

A C T S

PASSED AT A

J. G. Wright

GENERAL ASSEMBLY

OF THE

COMMONWEALTH

OF

VIRGINIA:

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF RICHMOND, ON MONDAY, THE FOURTH DAY OF DECEMBER, ONE THOUSAND SEVEN HUNDRED AND NINETY-SEVEN.



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GENERAL ASSEMBLY

SIFTING



HISTORICAL COMMODORE

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НОВЫЙ МОДЕЛЬЮ ЭТИХ ТАКИХ СИСТЕМ
ПРИЧЕМ ОДНАЧАСТНОСТЬ ПРИЧЕМ
ИЧУВСТВИЯ СЛУЖИТ КАК СИГНАЛ

ACTS

OF THE

GENERAL ASSEMBLY.

CHAPTER I.

An ACT laying Taxes for the Year One Thousand Seven Hundred and Ninety-Seven.

[Passed, January the 22d, 1798.]

SECTION I. BE it enacted by the General Assembly, That the public taxes for the year one thousand seven hundred and ninety-seven, shall be as follows, to wit: On lands, for every hundred dollars value, agreeable to the equalizing law, thirty-eight cents; for every slave above the age of twelve years, (except such as have been, or shall be exempted by reason of age or infirmity, by the respective county or corporation courts) thirty-five cents; for every stud horse and jack-ass, the price at which such horse or ass covers a mare the season; for all other horses, mules, mares, and colts, nine cents each; for every ordinary license, ten dollars; for all lots and houses in towns, four dollars and seventeen cents, on every three hundred and thirty-three dollars and thirty-four cents of the rent thereof, to be ascertained by the rent paid by the tenant; and where such house or lot is in the occupation of the proprietor, the yearly rent or value shall be ascertained by the commissioners of the revenue or either of them, by a comparison of its value with other houses or lots actually rented: *Provided*, That the owner or proprietor of any such house or lot, if he thinks himself aggrieved by such valuation, may appeal to the court, by whom the commissioners were appointed, whose judgment as to the yearly rent or value, shall be final.

Taxes on lands,
slaves, and other
property.

Proviso.

SEC. II. THE said commissioners or either of them, to ascertain the rent paid on houses or lots actually leased, may call on the tenant, or proprietor, to declare upon oath, or solemn affirmation, what is the amount of rent paid for the same; and every person so called upon and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion, on ten days previous notice, to be made by the commissioners of the revenue, or either of them: For every four wheel riding carriage, except phætons and stage waggons, one dollar per wheel; for all phætons and stage waggons, sixty-seven cents per wheel; for every other riding carriage with two wheels, thirty-four cents per wheel: *Provided*, That no tax shall be collected on lands, lots, houses, or other property belonging to this commonwealth, or to any county, town, college, houses for divine worship, or seminary of learning.

Mode of ascer-
taining rents in
certain cases.

SEC. III. AND be it further enacted, That the following tax on law process shall be paid: On each writ or declaration in ejectment, instituting a suit in the district court, or subpoena in the high court of chancery, the sum of one dollar; on each appeal to the high court of chancery, two dollars; on each writ of error, supersedeas, and habeas corpus cum causa, filing any record of appeal on appeals to a district court, or to the high court of chancery, and on each writ of certiorari issued from the general court, a district court, and high court of chancery, one dollar; the said taxes shall, by the respective clerks, be taxed in the bill of costs; and if any clerk shall fail to pay the amount of any judgment obtained against him for the use of the commonwealth, within sixty days after he shall have received notice thereof, the auditor shall transmit to the court, of which the person so failing is clerk, the said notice, and his certificate of such failure, which shall be by the said court admitted to record, from which time until it shall appear by a certificate of the auditor, to be also recorded, that such judgment is discharged, it shall not be lawful for the said clerk to charge, collect, or receive any fees whatsoever; on each certificate, under the seal of any county or corporation court, there shall be paid a tax of one dollar. No writ of subpoena, or any writ of error, supersedeas, certiorari, or habeas corpus cum causa, shall be issued or declaration in ejectment, filed by any clerk, unless the taxes hereby imposed thereon, be first paid down. In all appeals, no transcript of the record shall be delivered to the appellant by the clerk of the court, or forwarded by him to a superior court, before the taxes thereon be paid, nor shall any certificates under the seal of any county or corporation court, be granted, until the tax thereon shall have been first paid to the clerk keeping such seal. There shall be paid forty-two cents for every transfer of a surveyor's certificate for land, to be collected by the register of the land-office, before the issuing of the patent. For every attestation, protestation, and all other instruments of publication, from a notary public, under his seal of office, fifty cents, to be collected and accounted for by the said notary public, and one dollar for each certificate, under the seal of the commonwealth, to be collected by the clerk of the council, before the delivery of such certificate, which last mentioned taxes, shall be accounted for, and paid in like manner, and with the like commissions, for collecting, as is directed in the case of other taxes imposed by this act.

Tax on law pro-
cesses and appeals,
and how collect-
ed.

Penalty on de-
faultant clerks.

Tax on survey-
ors certificates,
notarial, attestations, &c. and
how collected.

Licenses to merchants to sell goods, how obtained, and tax thereon.

Proviso.

Necessity of notices of motions for judgments against sheriffs, &c. done away.

Time allowed to return insolventies

Commissioners to state tax due from individuals

Commencement

SEC. IV. *AND be it further enacted,* That upon any person producing a receipt to the commissioners of the tax for the sum of forty dollars, paid to the sheriff or collector, on or before the first day of May next, such commissioner may grant to such person, a license to sell merchandize of foreign growth or manufacture, by wholesale and retail, for and during the term of twelve months; or if the said receipt shall be for fifteen dollars, such person in like manner shall receive a license to retail such goods for the same time; and if any person shall sell such merchandize, either by wholesale or retail, during twelve months from the date aforesaid, without having obtained such license, such person shall forfeit and pay five hundred dollars, to be recovered by the commissioner, by motion in any court of record, on ten days notice, and to be paid to the sheriff, for the use of the commonwealth, of which said license and fines, if any are recovered, the commissioners shall annually, in their books, return a list to the auditor of public accounts, specifying names, which shall be good evidence whereupon to charge the sheriff or collector. *Provided nevertheless,* That not above one tax shall be paid on account of so selling, at one and the same store.

SEC. V. *AND for the more effectual collection of the said taxes, and others which may by law become due to the commonwealth,* *Be it further enacted,* That no notice shall hereafter be necessary to any collector, sheriff, clerk, or inspector for the purpose of recovering a judgment for any taxes, fine, or public dues of any kind, but that the same may be recovered by the auditor, on motion, without notice, provided such motion is made within twelve months after such taxes, fine, or public dues, shall become payable, or shall be incurred.

SEC. VI. *NO sheriff or other collector shall, at any time, be allowed to return any list of insolvents, or have any credit therefor, after twelve months shall have expired from the period of the taxes becoming payable by such sheriff or collector, to which such list relates.*

SEC. VII. *THE commissioners of the tax shall hereafter, in their books or lists of taxables, specify opposite to each person's name, in a column for that purpose, the amount of the tax owing by such person for the land, or other property therein charged to him.*

SEC. VIII. *THIS act shall commence and be in force, from and after the passing thereof.*

CHAPTER II.

An ACT to amend the Act, intituled, an Act to prevent Unlawful Gaming.

[Passed, January the 19th, 1798.]

Monies exhibited for the purpose herein mentioned, liable to seizure.

Billiard tables &c. may be seized and burnt

Penalty for permitting games, herein mentioned to be played.

Fee to be taxed on judgments for breach of laws against gaming. Penalty for obstructing seizures of monies under this act.

No release from fines incurred by gaming.

SECTION I. *B*E it enacted, That all monies exhibited for the purpose of alluring persons to bet against, at any game, and all monies actually staked or betted whatsoever shall be liable to seizure by any magistrate or magistrates, or by any other person or persons under a warrant from a magistrate, wheresoever the same may be found; and all such monies so seized shall be accounted for and paid by the person or persons making the seizure to the court of the county or corporation wherein the seizure shall be made, and applied by the court in aid of the levies and poor rates, deducting thereout fifty per centum upon all monies so seized, to be paid to the person or persons making the said seizure.

SEC. II. *And be it further enacted,* That all billiard tables shall be liable to be seized and publicly burnt or destroyed, in the same mode as A B C, and other gaming tables may be destroyed under the eleventh section of the act, intituled, "An act reducing into one the several acts to prevent unlawful gaming."

SEC. III. Any person whatsoever who shall suffer the game of billiards, or any of the games played at the tables commonly called A B C, E O, or Faro bank, or any other gaming table, or bank of the same or the like kind, under any denomination whatever, to be played in his or her house, or in a house of which he or she hath at the time the use or possession, shall, for every such offence, forfeit and pay the sum of one hundred and fifty dollars, to be recovered in any court of record, by any person who will sue for the same.

SEC. IV. Whenever a judgment shall be obtained for any fine incurred by a breach of any law for preventing gaming, twenty dollars shall be taxed in the bill of costs for a lawyer's fee.

SEC. V. Any person or persons who shall oppose the seizure of any such monies as above described, by any person or persons so authorised to make it, shall be liable to a penalty of fifteen hundred dollars, to be recovered in any court of record, for the use of the commonwealth, and shall be moreover liable to the action of any party grieved by such opposition; and any person or persons who shall take or carry away any part of the said money after the said seizure shall be declared, shall be guilty of a misdemeanor.

SEC. VI. *AND be it further enacted,* That the power of the executive to remit fines on judgments, shall not extend to fines such as may accrue or be imposed in the execution of this or any other act against gaming.

SEC. VII. *AND be it further enacted,* That the judges of the general and district courts, and the said courts, shall be, and they are hereby empowered, to execute this, and all other laws for the purpose of suppressing gaming, as fully as the magistrates of the county courts, and the said county courts, are empowered to execute the said laws.

SEC. VIII. THE presiding justice, as well in the district as in all the inferior courts of law in this commonwealth, shall constantly give this act in charge to the grand-juries of their courts, at the times when such grand-juries shall be sworn.

SEC. IX. THIS act shall commence and be in force from and after the eighth day of March Commencement next.

CHAPTER III.

An ACT to amend the Act for Opening and Extending the Navigation of Patowmac River.

[Passed, January the 24th, 1798.]

WHEREAS the act, *For opening and improving the navigation of the river Patowmac, above tide water,* has stipulated, that tolls shall not be received by the company, until the navigation aforesaid, shall be completed down to tide water: And whereas by means of the funds already employed, the said work is in such a state of improvement, as to afford not only considerable advantages to persons navigating the said river above the Great falls, but also by an easy mode a full enjoyment of the benefits contemplated by the said act, may be had: And whereas it is thought just and necessary in consideration thereof, that the said company should be permitted to receive the tolls stipulated by the said act, in order that the company may thereby be aided in carrying into full and complete effect the wise policy of the Legislature in this establishment:

SECTION I. *BE it therefore enacted,* That it shall and may be lawful for the said company to demand and receive from all vessels with their cargoes, navigating the said river, at the different places hereinafter mentioned, such tolls as were by the original law passed upon the subject of improving the said navigation, stipulated to be received, that is to say: At or near the mouth of Conigochigue, all such tolls as were stipulated to be received at the mouth of the South branch; and at or near Payne's or Hooke's falls, and at or near the mouth of Watt's branch, or the Great falls, the respective sums that were allowed to be received at each of those places. *Provided,* That all vessels with their cargoes, navigating the said river, between the Great falls and the Little falls, which shall not have passed the Great falls, shall be subject to pay on passing the locks at the Little falls, a like toll as is paid by vessels with their cargoes at the mouth of Conigochigue or Payne's falls. *Provided nevertheless,* That the said company shall enable those paying toll at the Great falls, by transporting their commodities from the Great falls into the river below, at the expense of the said company, to transport them from thence to tide water, toll free.

Immediate receipt of tolls authorized.

Proviso.

Further proviso.

SEC. II. *AND be it further enacted,* That a further time of two years, from and after the expiration of the time already allowed by law, shall be allowed to the said company to complete the navigation of the said river, according to the terms of the original law. And that the president and directors for the time being, shall be authorised to employ as many negroes from the state of Maryland in the said work, as they may deem it necessary for their purposes to employ, without incurring the penalty, or having them at all affected by any act or acts heretofore passed relative to slaves.

Further time allowed to complete navigation and power to hire negroes from Maryland.

SEC. III. THIS act shall be in force from and after the passing thereof.

Commencement

CHAPTER IV.

An ACT to amend the Act, intituled an Act to amend the Act, intituled, an act to reduce into one, the several Acts concerning Slaves, Free Negroes, and Mulattoes.

[Passed, January the 25th, 1798.]

WHEREAS it is deemed essential to the public safety, that adequate provision should be made by law for the punishment of such free persons as may be guilty of advising or conspiring with any slave, to rebel or make insurrection, or who shall be guilty of plotting with a slave the murder of any person whatsoever.

Preamble.
Free persons convicted of exciting slaves to insurrection or murder, shall suffer death:

SECTION I. *BE it enacted,* That every free person who shall hereafter advise or conspire with a slave to rebel, or make insurrection, or who shall advise or assist such slave in the murder of any person whatsoever, shall be adjudged a felon, and upon conviction thereof by due course of law, shall suffer death without benefit of clergy.

Penalty on free persons convicted of harboring slaves.

SEC. II. *AND be it further enacted,* That all free persons who shall be convicted before any magistrate of a county or corporation court, of harbouring or entertaining any slave without the consent of his or her master, mistress or overseer, shall forfeit and pay immediately the sum of ten dollars to the use of the informer, and in case of failure to make payment thereof, to be required

by the magistrate before whom such person shall be brought, to give bond and security for his ~~own~~ ^{and his} appearance in the next court to be held in the said county or corporation, and in the said mean time to be of good behaviour, or to stand committed until the same shall be performed. And in case the person so offending shall be a free negro or mulatto, and shall be unable to pay the said sum, then to receive such corporal chastisement, not exceeding thirty nine lashes, as the magistrate shall determine upon.

Penalty on free negroes &c. guilty of like offence.
Members of societies instituted for emancipating slaves, unqualified as jurors in suits for their freedom.
Proviso.

SEC. III. AND be it further enacted, That in all cases wherein the property of a person held as a slave demanding freedom, shall come before a court for trial, no person who shall be proved to be a member of any society instituted for the purpose of emancipating negroes from the possession of their masters, shall be admitted to serve as a juror in the trial of the said cause: Provided also, That every petition or suit instituted for the emancipation of a person held as a slave, shall be tried at the next quarterly or district court succeeding such petition or suit, unless it shall appear to the said court, by good cause shewn, that the evidence necessary for the support thereof could not be obtained.

How slaves convicted of felony and making escape, may, if re-taken, be identified; shall undergo the sentence of the court &c.

SEC. IV. AND whereas doubts have arisen whether the powers of the magistrates of country and corporation courts, summoned as courts of oyer and terminer to decide upon the cases of slaves charged with the commission of felony, can extend to the identifying of such slaves, who shall escape after condemnation and before the day of execution, and are re-taken, Be it further enacted, That in all such cases, it shall and may be lawful for the sheriff to summon the magistrates of the county or corporation, for the purpose of identifying such criminal, in like manner as the court was summoned for his or her trial, and upon such identity being proven, to carry into effect the sentence of the former court, by ordering such farther day for the execution of the said slave, as to them shall seem proper.

Free negroes or mulattoes giving copy of the register of his freedom to a slave, shall be adjudged a felon.

SEC. V. AND whereas divers free negroes and mulattoes who have been registered and numbered agreeably to the act of Assembly in that case made and provided, and who have obtained copies of the said registers as by the said act is required, have granted their said copies to run-away slaves, who by virtue thereof have passed for free men, and have under sanction thereof prevailed on masters of vessels to transport them out of this commonwealth: For remedy whereof, Be it enacted, That any free negro or mulatto who shall deliver to any slave the copy of the register of his or her freedom, signed by the clerk of the court with whom the said register was made, on any pretext whatsoever, shall on conviction thereof, be adjudged a felon, and suffer accordingly.

Masters or skippers of vessels prohibited from carrying slaves out of the state, without complying with the requisites of this act.

SEC. VI. NO master or skipper of a vessel, shall hereafter transport, or attempt to transport any negro or mulatto out of this commonwealth, on any pretext whatsoever, until he shall have produced the said negro or mulatto before some magistrate of a county, adjoining to the river in which his vessel shall lie, and shall have made out and lodged with the said magistrate, a description of the said negro or mulatto, his or her name, probable age, and alledged place of birth, and a declaration of the place or port to which the said master or skipper may be bound; and until he shall also have produced to the said magistrate the certificate of freedom granted to the said negro or mulatto by the clerk of the court in which he or she was registered, or the written direction of the owner of such negro or mulatto, commanding or permitting such master or skipper to carry him or her out of this commonwealth. And when the said master or skipper shall so have done, it shall be the duty of the magistrate to grant him a written certificate thereof.

penalty on such master or skipper for violations of this law.

SEC. VII. EVERY master or skipper of a vessel neglecting or refusing to perform the requisites by this act imposed, shall forfeit and pay the sum of five hundred dollars, for every negro or mulatto by him so carried or attempted to be carried out of this commonwealth, to be recovered by action of debt by any person who will sue for the same, in which suit the said master or skipper shall give good bail, and shall be moreover liable to the action of the owner of such negro or mulatto, for the value of the negro or mulatto thus carried or attempted to be carried out of the commonwealth.

CHAPTER V.

An ACT enlarging the Right of Appeals in certain Cases.

[Passed, January the 23d, 1798.]

High court of chancery may grant appeals up on interlocutory decrees to court of appeals.

SECTION I. BE it declared and enacted by the General Assembly, That it shall be lawful for the high court of chancery, upon any interlocutory decree, where the right claimed shall have been affirmed or disaffirmed, to grant, in its discretion, an appeal to the court of appeals, if the high court of chancery shall be of opinion, that the granting of such appeal will contribute to expedition, the saving of expence, the furtherance of justice, or the convenience of parties, any law, custom, usage, or construction to the contrary notwithstanding.

Appeals from high court of chancery on docket of court of appeals, or granted therefrom at certain defined periods

SEC. II. AND be it further enacted, That all appeals from the high court of chancery, which were standing on the docket of the court of appeals on the tenth day of October, in the year one thousand seven hundred and ninety-seven, or which were granted therefrom to the term of the court of appeals, commencing in October of the said year, one thousand seven hundred and ninety seven, shall be considered as depending therein; unless for good cause shewn to the high court of chancery, at the March term thereof, in the year one thousand seven hundred

and ninety eight: and according to the principles of its practice, any cases in which appeals have been entered, and which may have been remitted to the high court of chancery, shall be there retained for further proceedings.

SEC. III. *AND be it further enacted,* That upon any interlocutory decree of the high court of chancery, which shall not be appealed from, or upon any such interlocutory decree which shall be appealed from and affirmed, such process of execution shall be awarded as to the high court of chancery, or the judge thereof in vacation, shall seem proper.

SEC. IV. *AND be it further enacted,* That it shall be lawful for the judge of the high court of chancery to discharge writs of ne exeat in vacation, as in term time. *Provided,* that the party moving for the discharge of any such writ, shall give to the party who obtained it, reasonable notice of the time when such motion will be made.

as depending
therin—Nil
vid.

Execution may
be awarded in
vacation on in-
terlocutory de-
crees.

Writs of ne ex-
eat may be dis-
charged in va-
cation on notices
to the party who
obtained it.

CHAPTER VI.

An ACT to amend the several Acts of Assembly concerning Escheators.

[Passed, January the 23d, 1798.]

SECTION I. *B*E it enacted by the General Assembly, That whenever the escheator of any county shall proceed to make sale of any land escheated according to the directions of an act, *Concerning escheators*, and an act, *To amend an act, entitled, An act concerning escheators*, for ready money, and any person who may become a purchaser thereof, shall not, on the day of sale, pay to the escheator the whole sum of money by him agreed to be given for such land, or give some satisfactory assurance, that the same will be paid in a few days thereafter, the escheator shall immediately on such failure, on the same day, again expose the same to sale to the highest bidder, for ready money, and at such second sale, the person failing to make payment at the first sale as aforesaid, shall not be admitted or regarded by the escheator as a bidder.

Purchasers of
escheated prop-
erty failing to pay
the money—the
escheator may
re-sell the same.

SEC. II. *AND whereas doubts have arisen, whether by either of the said recited acts the escheator is authorised to sell the land escheated upon credit, for any time whatever, although in his opinion the same would enhance the value thereof:* *Be it further enacted,* That when in the opinion of the escheator of any county, the sale of any escheated land upon credit will greatly enhance the price thereof, he may proceed to sell the same upon such credit as he may think reasonable, not exceeding two years, taking of the purchaser a deed of trust in behalf of the commonwealth, for the lands so purchased, and a bond with sufficient security, bearing interest, to be approved by him, payable to the governor or chief magistrate of this commonwealth, for the time being, and his successors. And the escheator shall, immediately after taking such deed and bond, certify to the register of the land-office, the name of the purchaser, and the price by him agreed to be given for such land, and that a deed of trust for the lands so purchased and a bond, with sufficient security, to secure the payment of the purchase money, hath been given by such purchaser; whereupon the register of the land-office shall proceed to have a grant executed to such purchaser, in the manner directed by the first recited act.

Escheator may
sell property on
credit—taking a
deed of trust and
bond.

Shall certify the
same to the re-
gister.

SEC. III. *AND the escheator shall as soon as possible, have the said deed recorded in the court of the county or corporation wherein the lands lie; and shall transmit to the auditor the said bond and a copy of the deed, to be lodged in his office, and if the purchaser shall fail to pay the purchase money and interest in due time, according to the tenor of the said deed and bond, the said escheator is hereby required forthwith to proceed to sell the lands so conveyed in trust, (having first given four weeks notice of the time and place of such sale, in some public gazette) for ready money, and out of the proceeds of such sale, shall pay into the treasury, the principal money and interest due to the commonwealth, and all costs and expences incurred in effecting such sale, and the surplus, if any, he shall pay to the original purchaser.*

Such deed of
trust to be re-
corded and a copy
thereof & of
the bond to be
transmitted to
the auditor—du-
ty of escheator
if the bond is not
discharged.

SEC. IV. *AND the escheator is hereby required, as soon as may be, to make and return to the auditor, an account of all his proceedings in the sale, and to pay into the treasury the amount of the sale, deducting thereout for his trouble the same commissions as are allowed to sheriffs on sales made under executions; and if the proceeds arising from such sale shall not be sufficient to pay the principal, interest, and expences of sale, then it shall and may be lawful for the auditor, having given ten days notice to the obligors in the bond, upon motion made in the general court, (which court is hereby authorised and required to render judgment thereon, due notice being proved) to obtain judgment against the said obligors, or such of them as shall have had notice of such motion, for the balance which shall remain unpaid out of the proceeds of the sale of the land conveyed in trust, and all costs attending such motion, upon which judgment, execution shall be issued and levied according to the forms of law in ordinary cases of judgment.*

Escheator shall
make return of
his proceedings
to the Auditor
—commissions
allow ed him &c
Duty of auditor
if sale made un-
der the trust shall
not produce the
sum due.

SEC. V. *AND if the escheator shall fail to pay the money into the treasury which he shall receive, upon making sale of any tract of land which shall have escheated to the commonwealth as aforesaid, within one month after such sale, then it shall be lawful for the auditor to proceed to obtain judgment against him for the like forfeitures, penalties, and fines, and in the same manner as is allowed in the case of coroners and sheriffs failing to pay public dues.*

Escheators neg-
lecting to account
with public, sub-
ject to like pe-
nalties as sheriffs.

Effect of this upon recited acts.

Commencement

SEC. VI. THIS act shall not be construed to repeal any part or parts of the aforesaid acts, other than such as are rendered nugatory by the express directions of this act.

SEC. VII. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER VII.

An ACT to amend the several Acts for regulating the Inspection of Flour and Bread.

[Passed, January the 22d, 1798.]

Inspectors of bread to be appointed.

Manufacturers of flour shall brand the barrel No. 2.

Repealing part of act herein recited.

Proviso.

SECTION I. BE it enacted by the General Assembly, That the courts of the several counties wherein inspections of flour are established, shall, at their courts to be held in the months of September or October in every year, nominate and appoint at such places, from whence bread shall be exported, a proper person as an inspector thereof.

SEC. II. IT shall be the duty of every person owning or attending a mill for the manufacture of flour, to brand the barrel with the No. 2.

SEC. III. AND be it further enacted, That so much of the seventh section of the act passed in the year one thousand seven hundred and ninety-two, intituled, *An act reducing into one, the several acts for regulating the Inspection of Flour and Bread*, as imposes a fine on millers and bolters for packing in each barrel and half barrel, a less quantity of flour than is by law directed, shall be so changed, as to impose the said fine on the person or persons offering the flour for inspection. Provided however, That such person or persons may by warrant, petition, or suit, as the case may require, recover of the miller or bolter, the amount of the fine so paid by him or them.

SEC. IV. ALL the acts and parts of acts relating to the inspection of flour and bread, imposing any fine, a part whereof shall be to the use of the informer, shall be so changed, as that no part of such fine shall go to the informer, provided he shall be an inspector.

SEC. V. THE several inspectors of flour and bread shall appoint deputies, who shall be approved of by the courts of their respective counties, if they shall think them qualified for such appointments. And it shall be the duty of the inspectors of flour and bread to publish quarterly, a list of the quantities and qualities thereof inspected by them.

SEC. VI. AND be it further enacted, That at the place known by the name of Madison's mill, in the county of King and Queen, an inspector of flour shall be appointed in the same manner and under the like regulations, as are directed and prescribed by the before recited act.

Repealing clause

SEC. VII. AND all and every act and acts, clauses and parts of acts coming within the purview and meaning of this act, shall be and are hereby repealed.

CHAPTER VIII.

An ACT to amend the Act, intituled, An Act to reduce into one the several Acts, concerning the County and other Inferior Courts of this Commonwealth.

[Passed, January the 20th, 1798.]

Process against defendants not resident in the county wherein a suit in chancery may originate, may be directed to any other county &c.

Jurisdiction in chancery causes extended to monthly courts.

Commencement

SECTION I. BE it enacted by the General Assembly, That in all suits hereafter instituted on the chancery side of a county or corporation court within this commonwealth, it shall and may be lawful for the clerk thereof, in all cases where there shall be more than one defendant in such suit, to issue process against such of the defendants as do not reside within the said county or corporation, directed to the sheriff or serjeant of any county or corporation within this commonwealth, upon whose return, the same proceedings shall take place, as if the process had been served by the proper officer of such county or corporation court.

SEC. II. AND be it further enacted, That the several county and corporation courts at their quarterly and monthly sessions shall have concurrent jurisdiction in the trial of all chancery causes therein depending; any law to the contrary notwithstanding.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER IX.

An ACT to amend the Act Providing for the Poor, and declaring who shall be deemed Vagrants.

[Passed, January the 23d, 1798.]

Persons to superintend or supply vacancies in offices.

SECTION I. BE it enacted by the General Assembly, That whenever any county or corporation shall neglect or fail to appoint persons, at the time prescribed by law,

to superintend the elections of overseers of the poor, every court where such failure may happen, shall be, and it is hereby empowered and required to make such appointment at any subsequent court, or to fill the vacancy in the office of an overseer or overseers of the poor at any court after the same shall happen.

fee of overseers
of the poor may
be appointed at
any court.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER X.

An ACT concerning the Title of the Commonwealth to Lands which have been settled more than Thirty Years.

[Passed, January the 24th, 1798.]

WHEREAS it hath been represented to the General Assembly, that many persons possessing lands in this commonwealth, have been vexed and harassed by the location of warrants on the same, as if they were still waste and unappropriated, although the present possessors thereof, and those under whom they claim, have held the said lands in quiet and peaceable enjoyment, and have paid quit rents therefor under the former government, and all taxes imposed under the authority of the commonwealth, for more than thirty years: And whereas it is unreasonable to presume, that persons who have been thus long possessed under the circumstances aforesaid, should not have obtained patents for the same, especially as it has happened from the war and other causes, that patents actually granted have been lost or destroyed, and repeated alienations have been made of the said lands:

Preamble.

SECTION I. BE it therefore enacted, That no entry or location on any lands in this commonwealth, which have been settled thirty years prior to the date of such entry or location, and upon which quit-rents or taxes can be proved to have been paid at any time within the said thirty years, shall be deemed valid; and any title which the commonwealth may be supposed to have thereto, is hereby relinquished.

Entries or loca-
tions heretofore
made, not af-
fected by this act

SEC. II. THIS act shall not extend to any case of an entry or location regularly made according to law, previous to the passing of this act. Provided always, That nothing herein contained shall be so construed as to affect the right of this commonwealth in or to any lands or tenements, the right whereof may or shall have become forfeited by non-payment of the commonwealth's taxes; nor shall any thing herein contained be so construed as to alter or change the construction of the act for limitation of real actions.

Cases wherein
this act shall not
apply.

CHAPTER XI.

An ACT for appropriating the Public Revenue.

[Passed, January the 24th, 1798.]

SECTION I. BE it enacted by the General Assembly, That all taxes and arrearages of taxes, except the arrearages of the certificate tax, and all branches of revenue which shall arise to the commonwealth between the last day of December, one thousand seven hundred and ninety seven, and the first day of January, one thousand seven hundred and ninety nine, shall constitute a general fund, and be appropriated to the support of civil government and for the contingent charges thereof; and shall also be charged with the payment of all unsatisfied warrants, charged on the said taxes and arrearages of taxes, by the act of the last session of Assembly, intituled, *An act for appropriating the public revenue*, of warrants which shall be hereafter issued for expenses attending criminal prosecutions; for slaves condemned and executed; for the state's shares in the Patowmac and Appamattox companies; for the hospital for the cure and maintenance of persons of unsound mind; to the directors of the public buildings for finishing the capitol, for a sum not exceeding four thousand dollars, which shall be paid to the said directors on warrant or warrants from the auditor of public accounts, issued on the treasurer under the direction of the executive; for the expenses attending the arsenal at the Point of Fork; for carrying into effect, the act, *For establishing arsenals and a manufactory of arms*; for the penitentiary house, for a sum not exceeding twenty-five thousand dollars beyond what was appropriated by the act, *To amend the penal laws of this commonwealth*; and for the arms directed by law to be imported; for all pensions allowed by this commonwealth; for salaries allowed by law to certain officers of the militia; of warrants which shall be issued by the auditor of public accounts, in the year one thousand seven hundred and ninety-eight, for interest on any debt due by this commonwealth; and for the payment of all sums directed to be paid by the present General Assembly, for which no provision has been made.

Taxes constitut-
ing a general
fund.

Appropriation
thereof.

SEC. II. AND if the funds herein appropriated to the payment of the officers of the civil government, and of warrants issued by the executive for the contingent purposes thereof; on account of the state's shares in the Patowmac and Appamattox companies; for the hospital for the cure and maintenance of persons of unsound mind; for pensions due by this commonwealth; and for salaries allowed by law to certain officers of the militia, should not be productive early enough for those purposes, it shall be lawful for the executive to direct the trea-

Deficiency in
certain funds,
how supplied.

urer to borrow as much money, as shall be deficient, out of any other funds, and to replace the same as soon as possible.

Compensation to be made by the executive to the directors of the public buildings.

SEC. III. *AND be it further enacted,* That the Executive shall make to the commissioners and directors of the public buildings, or to such of them as shall apply for the same, such compensation for their respective services, as they shall appear to deserve; and the said compensation shall be paid by the treasurer, on warrant from the auditor by direction of the executive, out of the sum of four thousand dollars herein appropriated for the finishing of the capitol, or out of the money arising from the sale of the lead taken from the roof of the capitol.

Appropriations of certain arrearages to the redemption of certain certificates.

SEC. IV. *AND be it further enacted,* That all monies which shall be paid into the public treasury on account of the arrearages of the certificate taxes, and all the monies which shall be paid on account of the arrearages of the revenue taxes, before the first day of October next, over the sum of forty thousand dollars, including what arrearages have been received since the first day of October last, shall be appropriated to the redemption of the certificates issued by the treasurer, or by the auditor of public accounts, to individuals for debts due to them by the commonwealth; and to the end, that all holders of such certificates may receive in proportion to their respective claims, the treasurer shall give in the Virginia Gazette six weeks previous notice of the time when payment is to be made, in order that such warrants may be previously registered, and the money so appropriated, duly apportioned among the said holders.

Commission of sheriffs on merchants' licenses.

SEC. V. A COMMISSION of five per cent. and no more, shall be allowed to sheriffs or collectors for the collection of the taxes on licenses to be granted to merchants, under the act passed during the present session, *For laying taxes for the year one thousand seven hundred and ninety-seven*, any law to the contrary notwithstanding.

Construction of this act as to arrears of revenue taxes.

SEC. VI. *AND be it further enacted,* That the arrears of revenue taxes before mentioned in this law, shall be so construed as to include only the revenue taxes due prior to the last day of December, one thousand seven hundred and ninety-six.

Repealing clause

SEC. VII. ALL acts coming within the purview of this act, shall be, and are hereby repealed.

Commencement

SEC. VIII. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XII.

An ACT declaring the Gold and Silver Coins, of certain Foreign Countries, to be a legal Tender within this Commonwealth.

[Passed, January the 19th, 1798.]

Gold and silver coins of France, Portugal, Spain, and Great Britain, declared a legal tender in this Commonwealth, at rates herein mentioned.

SECTION I. *B*E it enacted by the General Assembly, That the gold and silver coins of the sovereign countries hereafter mentioned, shall pass current within this Commonwealth, and be a legal tender for the payment of all debts, contracts, and demands whatsoever therein, at the several and respective rates following, as established by the present law of Congress, and not otherwise, viz: The gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents for every twenty-seven grains of the actual weight thereof; the gold coins of France and Spain, and the dominions of Spain, of their present standard, at the rate of one hundred cents for every twenty-seven grains, and two fifths of a grain of the actual weight thereof; Spanish milled dollars at the rate of one hundred cents for each dollar, the actual weight whereof shall not be less than seventeen penny weights and seven grains, and in proportion for the parts of a dollar; crowns of France at the rate of one hundred and ten cents for each crown, the actual weight whereof shall not be less than eighteen penny weights and seventeen grains, and in proportion for the parts of a crown.

Commencement

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XIII.

An ACT authorising Creditors of deceased Persons, leaving Lands which escheat to the Commonwealth, to recover their Debts out of the Proceeds thereof.

[Passed, December the 29th, 1797.]

Creditors of deceased persons, leaving lands which escheat to the State, and no other property, may recover their debts out of proceeds thereof. Proviso.

SECTION I. *B*E it enacted by the General Assembly, That whosoever any person dies seized of lands, which shall be escheated for the benefit of the Commonwealth, being indebted, and not having slaves or other personal estate sufficient to pay such debts, it shall and may be lawful for the general court, on the petition of his or her creditor or creditors, to give judgment for such debts or so much thereof as shall be by legal testimony established, to be paid out of the proceeds of such escheated lands, until the same shall be exhausted; to all which petitions the treasurer, for the time being, shall be made defendant: *Provided*, That the said slaves and other personal estate shall be previously applied in the payment of the debts of the said decedent; and that every such creditor shall annex an affidavit to the said petition, stating that

the amount of his or her demand is bona fide due and owing at the time of preferring the petition.

SEC. II. THIS act shall commence and be in force from and after the passing thereof. Commencement

CHAPTER XIV.

An ACT directing the Mode of Serving Writs of Scire Facias.

[Passed, January the 18th, 1798.]

WHEREAS the manner of serving writs of scire facias, as heretofore practised, has been found inconvenient: Preamble

SECTION I. BE it therefore enacted by the General Assembly, That where the defendant can be found, writs of scire facias shall hereafter be served in the same manner, as writs of capias ad respondentum. And where the said defendant cannot be found, it shall be considered as a sufficient service of the said writ, for the sheriff or other officer to whom the same is directed, to leave a copy thereof with the wife of the defendant, or some free person, above the age of sixteen years, then and there being one of the family of the defendant, and found at his usual place of abode: *Provided always,* That bail shall not be required by the officer serving a writ of scire facias; and that this act shall not be construed to repeal the act, authorising writs of scire facias to be issued to, and executed in counties or districts, other than those in which judgments may have been obtained. Writs of scire facias to be served in same manner as writs of capias ad respondentum.

SEC. II. THIS act shall commence and be in force from and after the first day of May next. Commencement

CHAPTER XV.

An ACT to amend the Act concerning Election of Members of General Assembly.

[Passed, January the 17th, 1798.]

SECTION I. BE it enacted, That so much of the act, intituled, *An act concerning election of members of General Assembly*, passed in December, one thousand seven hundred and eighty-five, as provides, that no trial of a contested election of members of either house of assembly, shall be had within less than fourteen days after complaint lodged with the speaker of either house of assembly, shall be, and the same is hereby repealed. repealing part of former act relative to contested elections.

SEC. II. AND be it further enacted, That from and after the first day of January next, the election of members to the General Assembly shall be held on the third Monday in March in every year, throughout this commonwealth; any law to the contrary notwithstanding. Election of members of assembly, when holden.

SEC. III. IF the poll to be held at any such elections is not closed on the first day, the same shall be kept open two days thereafter at least. Concerning the poll at elections.

SEC. IV. AND be it further enacted, That electors in towns entitled to representation in the house of delegates, shall have a right to vote at their respective court-houses for representatives to congress, and the officers holding such elections, shall be subject to the like regulations in taking and returning their polls, as the sheriffs of counties are, and shall be entitled to the like compensation for their services and travelling expences. Electors in towns entitled to representation, may vote for members to congress.

CHAPTER XVI.

An ACT to prevent the Clerks of District Courts from acting as Justices of the Peace.

[Passed, January the 12th, 1798.]

SECTION I. BE it enacted by the General Assembly, That it shall not be lawful for any clerk of a district court to exercise the office of a justice of the peace; and any clerk so offending, shall be subject to the same penalties, to be recovered and applied in like manner with those incurred by persons presuming to act as magistrates, without first qualifying as the law directs. Clerks of district courts prohibited from acting as justices of the peace.

SEC. II. THIS act shall commence and be in force from and after the first day of June next. Commencement

CHAPTER XVII.

An ACT giving further Time to the Owners of certain Surveys, to return the Plats and Certificates thereof into the Land-Office.

[Passed, January the 6th, 1798.]

Further time allowed to return plats and certificates of survey to the register's office.

Proviso.

Saving clause.

Construction of this act as to lands on eastern waters.

Commencement

SECTION I. BE it enacted by the General Assembly, that the further time of twelve months, to be computed from the thirty-first day of December, one thousand seven hundred and ninety-seven, shall be allowed the owners of surveys of lands on the eastern and western waters, for returning all plats and certificates of surveys, to the register of the land-office, who shall receive the same; and all plats and certificates of surveys aforesaid not returned within the period aforesaid, are hereby declared to be absolutely null and void, and the lands included in the said surveys, subject to another location. *Provided always,* That the warrant upon which such forfeited survey is founded, shall be returned to the person having right thereto; saving to infants, feme covertes, persons non compos mentis, imprisoned, or beyond sea, the right of returning such plats and certificates of survey as above recited to the register's office, according to the terms of this act, within one year after their respective disabilities are removed.

SEC. II. AND be it further enacted, That so much of this act as relates to lands on the eastern waters, shall be so construed as only to authorise the register of the land-office to receive plats and certificates of surveys made on locations under the commonwealth's land-warrants.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XVIII.

An ACT to establish Arsenals and a Manufactory of Arms.

[Passed, January the 23d, 1798.]

Executive to fix on and purchase proper sites for, & cause arsenals to be erected.

A lieutenant to be commissioned and 20 men to be enlisted as guards, &c. their pay and duty.
Proviso.

What number of arms arsenals to be capable of holding; & how supplied.

Duty of lieutenants appointed in pursuance of this act
Shall enter into bond with security, &c.
and
Make monthly returns of arms, &c.

Executive to commission a major commandant, His pay & duty.

SECTION I. BE it enacted, That the Executive be, and they are hereby required to fix upon and purchase two proper situations for the erection of arsenals, in the counties of Prince Edward and Orange, or Culpeper, in addition to that at the Point of Fork, and to have such buildings erected for the preservation of arms, and such fortifications thrown up for the defense of the said arsenals, as to them shall seem expedient.

SEC. II. AND be it further enacted, That the Executive do cause to be enlisted, for a term not exceeding three years, as a guard for each arsenal as it is erected, twenty private men and two serjeants, and commission one lieutenant, for the purposes of making each of the said fortifications, guarding and keeping the arms in good order, which said men and officers shall receive the same pay and other allowances as continental troops are entitled to: *Provided,* That the Executive do only cause the said men to be enlisted, and commission the said officers, as they may become necessary from the supplies of arms by purchase or otherwise.

SEC. III. AND be it further enacted, That each of the said three arsenals, hereby established, shall be calculated to hold at least ten thousand complete stand of arms, with which quantity each is to be supplied successively, at the discretion of the Executive, one being finished and supplied, before the expense of erecting buildings and enlisting guards for another, shall be incurred.

SEC. IV. EACH lieutenant shall, over and above the other duties of his office, inspect and direct the cleaning and well-keeping the arms, for which he shall receive the additional sum of one hundred dollars annually; shall give receipts for all arms delivered to him, and shall enter into bond with three sufficient securities, in a penalty equal to their value, payable to the governor for the time being, for the use of the commonwealth, and conditioned as the Executive shall devise, so as to secure the object of having the said arms at all times forth-coming and in good order; and until the appointment of the commandant hereafter mentioned, it shall be the duty of each lieutenant to make monthly returns of all arms under his care, expressing their state, to the Executive.

SEC. V. AND be it further enacted, That so soon as fifteen thousand stand of arms shall be obtained, the Executive are required and empowered to appoint and commission one major commandant and superintendant of the said arsenals and guards, who shall receive the pay and other allowances of a major in the infantry of the continental army, whose duty it shall be once in every month, and oftener if need be, to inspect the state of the said arsenals, and to make a return thereof monthly to the Executive in such mode as they may direct.

SEC. VI. THE several officers hereby to be appointed, shall hold their commissions during pleasure.

SEC. VII. AND to insure a supply, *Be it further enacted,* That the executive be empowered to establish a manufactory of arms within the vicinity of Richmond, at such place, and upon such terms and conditions as to them shall seem expedient.

SEC. VIII. *AND be it further enacted,* That the Executive be, and they are hereby required, to procure six hundred pistols, holsters, swords, scabbards, and belts, to be distributed in the said several arsenals, as they are ready to receive them, for the equipment of cavalry.

SEC. IX. *AND be it further enacted,* That the Executive shall be, and they are hereby authorised, to dispose of, or exchange, such of the ordnance of this commonwealth, as they may deem expedient, and in lieu thereof to procure brass field pieces of the size best suited to the military establishment of this commonwealth.

SEC. X. *AND be it further enacted,* That in case the Executive cannot obtain a proper site for the said arsenals and manufactory, upon such terms as they may deem reasonable, a writ of ad quod daidnum shall, at their instance, be issued from the district court wherein the land so required for public use, shall lie, which shall be executed thereupon by metes and bounds, which, and also the quantity shall be expressed in the inquest: the surveyor of the county shall attend the jury, to ascertain the bounds and quantity; of which said inquest the party interested shall have reasonable notice; and the said jury shall in their inquest, ascertain the damages which the proprietor of the said land shall sustain by the loss thereof, whereupon, and upon the payment of the said damages to the said party injured, the land so valued shall be forever thereafter vested in the commonwealth. The said inquest so to be made, shall be returned and recorded in the district court from which the writ of ad quod daidnum shall issue.

SEC. XI. *AND be it further enacted,* That the Executive shall, and they are hereby authorised and empowered, to issue such a proportion of the public arms and ammunition to the commanding officers of the regiments, within the limits of which the arsenals aforesaid shall be erected, under such conditions and regulations, for the security and preservation of the said arms, as they may deem necessary.

SEC. XII. THIS act shall commence and be in force from the passing thereof.

Executive to procure accounts for cavalry.

To dispose of the public ordnance herein mentioned.

Writ of ad quod daidnum on land wanted for the uses herein mentioned may issue in certain cases. Surveyor of the county to attend proceeding thereon.

Duty of the jurors. Inquest to be returned and recorded.

Executive may issue public arms to officers of certain regiments, under such conditions as they approve.

Commencement

CHAPTER XIX.

An ACT authorizing the Governor of this Commonwealth to convey to the United States, certain Land on Old Point Comfort, for the Purpose of Building a Light-House.

[Passed, January the 2d, 1798.]

SECTION I. *B*E it enacted by the General Assembly, That it shall and may be lawful for the governor of this commonwealth, and he is hereby fully authorised for and in behalf of this commonwealth, by proper deeds and instruments in writing, under his hand and the seal of the commonwealth, to convey, transfer, assign and make over to the United States, in congress assembled, for the use of the said United States, all interest in, and right and title to, as well as all the jurisdiction which this commonwealth possesses, over so much of the public lands, not exceeding two acres, situate, lying and being in the county of Elizabeth City, at a place commonly called Old Point Comfort, as shall be sufficient to erect a light-house, subject to the terms and conditions following, that is to say: That a light-house shall be erected upon the said land, and that all charges and expences of building and rebuilding, when necessary, and keeping in good repair the said light-house, together with the salaries, wages and hire of the person or persons appointed by the President of the United States for the superintendance and care of the same, and all the necessary supplies with which a light-house ought to be furnished, shall be defrayed out of the treasury of the United States.

Governor authorised to convey a piece of land on Old Point-Comfort to the U. States for the purpose of building thereon a light-house.

SEC. II. IF a light-house shall not be erected within the space of seven years, after the cession of the said two acres of land by this commonwealth, to the United States, in Congress assembled, or if at any time thereafter, the said light-house shall be suffered to fall into decay, or be rendered useless as to the purposes for which it is to be erected, and so continue for the aforesaid period of seven years, then and in those cases, the property in the soil, and jurisdiction over the territory hereby directed to be vested in the United States, in congress assembled, shall revert to this commonwealth, and be considered as the property, and subject to the jurisdiction of the same, in like manner as if this act had never been made. *Provided always,* That nothing in this act contained, or in the deed of cession to be made in pursuance thereof, shall be construed to deprive the citizens of this commonwealth of the privilege they now enjoy of hauling their seines on the shores of the land to be ceded in pursuance of this act.

Land to revert to the state in case a light-house is not erected thereon, & continued in use.

Proviso.

CHAPTER XX.

An ACT to Incorporate a Company for Marine Insurances, and other Purposes, in the Town of Alexandria.

[Passed, January the 10th, 1798.]

WHEREAS the insurance of property against those casualties to which it is liable, has been found highly beneficial in all places where it has been introduced and practised: Therefore,

Preamble.

Persons authorised to open books of subscription for raising a capital of two hundred and fifty thousand dollars, in shares of twenty dollars each.

Penalty on subscribers failing to pay sum demanded on shares by them subscribed.

Votes of subscribers regulated by number of shares, which may be transferred.

A certain number of shares being subscribed, a general meeting of subscribers to be called, who shall choose directors, &c.

Vacancies by death, &c. how supplied.

Directors shall choose a president to serve one year.

Vacancy in the office of president by death &c. how supplied; and if sick or unable to attend, a president pro tempore to be appointed.

Elections—by whom conducted.

President of any other insurance company ineligible.

Subscribers incorporated; style of incorporation; their powers &c.

SECTION I. BE it enacted by the General Assembly of this commonwealth, That a subscription be opened in the town of Alexandria, under the direction of the seven following persons, to wit: William Hartshorne, John Gill, George Taylor, Richard Conway, Robert Townsend Hooe, Jonah Thompson, and James Bruce Nickolis, for raising a capital stock of two hundred and fifty thousand dollars, in shares of twenty dollars each, and that each person do upon subscribing, pay to the person or persons receiving the same under the authority of this act, five dollars upon each share so subscribed for, and that the remainder of the said twenty dollars payable upon each share, shall be thereafter called for by the President and Directors at such times, and in such proportions as they shall find necessary, giving six weeks notice in one of the Alexandria and Richmond Gazettes, and in the Winchester and Fredericksburg Gazettes, of the sum required upon each share, and the time of making such payment; and if any subscriber, his executors, administrators, or assigns, shall fail to pay the sum called for upon each share, so held by him, her, or them, at the time appointed for such payment, every such share shall be forfeited, and all the monies paid thereupon, for the use of the company; and the holder or holders of such share or shares, shall moreover be liable for the remaining sums of money payable upon such share or shares, when the same shall be called for by the President and Directors; to be recovered by them, where the sum called for, shall amount to twenty dollars and upwards by a motion in any court of record within this commonwealth, giving the holder or holders of such share or shares, their executors or administrators, ten days notice of such motion; and where the sum called for shall be less than twenty dollars, by petition or warrant as the case may be.

SEC. II. BE it enacted, That every subscriber shall be entitled to vote by himself, his agent or proxy, appointed under his hand and seal, attested by two witnesses, at all elections, made by virtue of this act; and shall have as many votes as he holds shares, as far as ten shares, and one vote for every five shares, which he may hold over ten, as far as fifty other shares, and a vote for every twenty shares, which he may hold over every sixty shares: And every stockholder may at pleasure sell and transfer his stock, in the company, or any part thereof, not being less than an whole share, the transfer being made in the books of the company, in the presence, and with the approbation of the proprietor or his attorney; the purchaser thereupon to be entitled to all the rights which the original proprietor enjoyed.

SEC. III. BE it enacted, That as soon as six thousand shares shall be subscribed for, the persons hereby appointed to receive the subscriptions, or any four of them, shall call a meeting of the subscribers in the town of Alexandria, giving three weeks notice thereof, in the aforesaid Gazettes; and the subscribers assembled, in consequence of such notice, shall choose by ballot, from among their body, by a majority of votes then represented, either in person or by proxy, fifteen directors, citizens of this commonwealth, who shall serve until the first Monday in January then ensuing; on which day, and on the same day, annually thereafter, the stockholders shall by a plurality of votes, represented as aforesaid, choose fifteen directors, citizens of this commonwealth, who shall serve for one year thereafter, and until nine directors are chosen; and in case of refusal to act, death, resignation, or removal out of this commonwealth, of any director, before the expiration of the term for which he was chosen, the remaining directors, or any eleven of them, shall elect by ballot from among the stockholders, citizens of this commonwealth, another person to act as director in his place during the remainder of the year.

SEC. IV. THE directors chosen as aforesaid, or any eleven of them, shall at the first meeting held by them, after every general election, which shall be held as soon thereafter as may be, elect by a majority of the members then present, from their own body, or the other stockholders, by ballot, a person to act as President, who shall serve for one year, and until the appointment of the new President, after the next succeeding election; and in case of the refusal to act, death, resignation, or removal out of this commonwealth, of the person so chosen President, before the expiration of the term for which he was so chosen, the directors shall immediately thereupon, in the manner aforesaid, choose another person to act as President during the remainder of the said term: and in every case where one of the directors shall be chosen to act as President, the vacancy thereby created, shall be supplied as in the case of refusal to act, death, resignation, or removal out of this commonwealth: And in case of the sickness, necessary absence of the President, or inability to attend, from any other cause, to the duties of his office, the directors or any eleven of them, shall appoint by a majority of the members present, one of their own body to act as President pro tempore, during such time as the President shall not, from any of the causes aforesaid, be able to attend;—That a committee of five of the persons hereby authorised to receive the subscriptions, be appointed by that body to superintend the first election of directors, and a committee of five of the stockholders, not being directors, appointed by the board of directors, to superintend every succeeding election.

SEC. V. BE it enacted, That no President or Director of any other insurance company, shall be eligible as a President or Director of the said company.

SEC. VI. BE it enacted, That all those who shall become subscribers to the company, their successors and assigns, shall be, and are hereby created a body politic, by the name and style of *The Marine Insurance Company of Alexandria*; and shall by that name have succession, and shall be able to sue and be sued, implead, and be impleaded, in all courts of law or equity within this commonwealth or elsewhere, and to make and have a common seal, and the same to break, alter or renew at their pleasure; and to ordain and make such bye-laws, ordinances, and regulations, as shall appear necessary for regulating the concerns of the company, not being

contrary to this act, the constitution and laws of this commonwealth, or the United States; and that the funds of the company, as they shall arise, be vested in the bank stock of Alexandria, or such other stock as the President and Directors shall judge most advantageous.

Funds to be vested in stock.

SEC. VII. BE it enacted, That the members of the company shall not be liable for any loss, damage, or responsibility in their persons or property, other than the property they have in the capital and funds of the company, to the amount of the shares respectively held by them; and any profits arising therefrom, not divided, except as is hereafter excepted, that is to say: If the total amount of the debts which the said company shall at any time owe, shall exceed the capital stock hereby allowed, and the undivided profits, the directors under whose administration it shall happen, shall be liable for such excess in their natural and private capacities, and an action of debt may be brought against them, or any of them, their heirs, executors, or administrators, in any court of record within this commonwealth, by any creditor or creditors of the said company, and may be prosecuted to judgment and execution, any condition, covenant, or agreement, to the contrary, notwithstanding; but this shall not be construed to exempt the said body politic, or the lands, tenements, goods, or chattels of the same, from being also liable for and chargeable with the said excess. Such of the said directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the mayor of the town of Alexandria for the time being, and to the stockholders, at a general meeting, which he or they shall have power to call for that purpose.

Members in this company not liable for losses in their individual characters. Directors may become liable in their individual characters by certain acts herein mentioned.

SEC. VIII. BE it enacted, That the president and directors, chosen in the manner aforesaid, shall have the disposal, direction, and management of those shares, which may not be disposed of at the formation of the company, and all the other concerns of the company; subject nevertheless to the controul and instructions of the stockholders, at their annual meetings; and power to provide a suitable place for an office, and to make all rules and regulations for conducting the business of insurance; and the concerns of the company, not provided for by this act, to appoint a secretary and competent number of clerks, and any other officers they shall find necessary; and to make such compensation for their services, as they shall deem proper; and to allow and pay to the president, for the time being, such salary as they shall deem reasonable, which several salaries shall be fixed every year before the appointment of officers; that immediately after the first election of directors, a proper book be provided, and an entry therein made, of the names of the several subscribers, and the number of shares by them respectively subscribed for, in which book all transfers made shall be entered; that full entries of all the proceedings of the president and directors shall be made in other books provided for that purpose, which shall at all times be open for the inspection of the stockholders.

Shares not subscribed for at the formation of the company, how disposed of. Powers of the president and directors, in appointing and paying officers, &c.

SEC. IX. BE it enacted, That a majority of the directors shall form a board, which shall meet once a month, and as often at such other times within the month, as the president or board of directors shall judge proper, and shall have full power and authority to make insurances upon vessels and merchandizes by sea or going to sea, and upon any goods, wares, or merchandizes, freights or other personal property, gone or going by land or water, and to lend money upon bottomry and respondentia; But the president, or in case of his inability to attend, the president pro tempore, and a committee of directors, composed of such numbers as the board shall direct, not less than three, to be appointed by the president in rotation, shall attend daily at the insurance office, and have full power and authority to make all insurances as herein mentioned, and to lend money upon bottomry and respondentia, and to fix the premiums upon such insurances and loans: That all policies shall be signed by the president, or in case of his inability to attend, by the president pro tempore, and countersigned by the secretary: That the president, or president pro tempore, and the committee of directors for the time being, shall take approved notes for premiums, with such time of payment as may be determined upon, by the board of directors in their general regulations: That all losses arising on any policy so subscribed, shall be adjusted by the president and board of directors agreeable to the terms of the policy, and paid out of the joint funds and property of the company.

Number of directors necessary to form a board.—times of meeting &c.

May lend money, and how.

Losses how settled.

A statement of the company's affairs, &c. to be made every six months.

Monies excepted from dividend, and amount of capital, how perpetuated.

SEC. X. BE it enacted, That the president and directors do make a full and fair state of the affairs of the company, every six months; that they do, after the formation of the company, make a dividend of so much of the profits of the company, as they shall judge adviseable, two weeks before the next meeting of the stockholders and election of directors, and every half year thereafter; that all dividends so made and declared, be advertised immediately in the Alexandria gazettes, and paid ten days after being made; but the monies received as premiums, on risques outstanding and not determined, at the time of making such dividends, shall not be considered as a part of the profits of the company: That in case of any loss or losses whereby the capital stock shall be lessened, no subsequent dividend shall be made, until a sum equivalent to such diminution, and arising from the profits of the company, shall have been added to the capital.

Actions on policies, how and against whom brought.

SEC. XI. BE it enacted, That in case any action shall be prosecuted upon any policy so subscribed, the same shall be brought against the president subscribing the same, or his successor in office; and all recoveries had in any such action or actions, shall be conclusive on the company, so far as to render the stock of the company liable, and no further.

Commencement

SEC. XII. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XXI.

An ACT concerning the City of Richmond.

[Passed, January the 22d, 1798.]

**Mayor, &c. emp.
powered to make
and enforce re-
gulations to pre-
vent fire.**

Prov. of.

**Tithables of city
separated from
those of county.**

**Concerning pre-
sentments by G.
Juries for offend-
ees within the
city.**

Commencement

SECTION I. BE it enacted, That in addition to the powers heretofore granted to the corporate body of the city of Richmond, the mayor, recorder, aldermen, and common council, in common hall assembled, be, and they are hereby authorised to pass such bye-laws or ordinances for the government of persons and property within the limits of the said city, as they shall think necessary, for establishing and carrying into full effect the requisite rules and regulations to prevent and extinguish fire on buildings within the city aforesaid; provided such laws and ordinances be not contrary to the constitution or laws of this commonwealth.

SEC. II. AND be it further enacted, That henceforth the tithable persons resident within the said city, shall be considered as totally separated from those of the county of Henrico, and shall be exempt from all impositions by the court of the said county for county levies, or for the maintenance or support of poor persons not resident within the city aforesaid.

SEC. III. AND be it further enacted, That any presentment made by a grand jury for the said city, for an offence committed within the jurisdiction of the court of hustings for the city aforesaid, under any law of the land, may be prosecuted in the said court, in the same manner, and the like proceedings be had therein, as is or may be in the county court of Henrico.

SEC. IV. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XXII.

An ACT making Provision for the Disposal of the Marine Hospital, and the Exoneration of the Commissioners.

[Passed, January the 20th, 1798.]

**Executive to
cause a settle-
ment of commis-
sioners' accounts
and offer & cede
the building, &c.
to the U. States
for a marine hos-
pital.**

**Hospital to be
sold if the Unit-
ed States refuse
it on the terms
herein tendered.**

Commencement

SECTION I. BE it enacted by the General Assembly, That the governor and council be, and they are hereby authorised and empowered, to cause the accounts of the commissioners appointed under the act, intituled, *An act for establishing a marine hospital for the reception of sick and disabled seamen*, to be adjusted; and so soon as the balance due by the commissioners to the contractor shall be ascertained, it shall be lawful for the governor to offer the marine hospital, together with its appurtenances, to the Congress of the United States, to be applied to the benevolent purposes for which it was erected, at the sum which shall be found due from the commissioners to the contractor: And the governor is further authorised and empowered to cede to the United States, by deed, the lots and appurtenances aforesaid, on receiving from the commissioners of the marine hospital, or from any other source, satisfactory proof that the sum so ascertained to be due from the commissioners in consequence of their appointment, has been actually paid.

SEC. II. AND be it further enacted, That in case the government of the United States shall refuse to receive the said hospital with its appurtenances, on the terms beforementioned, then and in that case it shall be lawful for the governor to direct the commissioners, or any three of them, to dispose of the said hospital, with the appurtenances, for the best price that can be obtained; and the money arising from such sale, to be applied in the first place to the payment of the sum which shall be found due from the commissioners, and the balance shall be paid into the treasury, subject to the future direction of the General Assembly.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XXIII.

An ACT concerning Hawkers and Pedlars.

[Passed, January the 18th, 1798.]

**Pedlars prohibit
ed selling goods
without license.**

**Penalty for sell-
ing without li-
cense.**

SECTION I. BE it enacted by the General Assembly, That no hawker or pedlar, shall offer for sale or barter, any goods, wares, or merchandize, unless such person or persons so offering the same, shall have first obtained a license from some court of record in this commonwealth, which license the county and corporation courts are hereby authorised to grant, on satisfactory proof appearing to them of the honesty and good demeanor of the person applying, and on his paying to the sheriff or serjeant of the court granting such license, twenty dollars, which license shall be annually renewed.

SEC. II. ANY person offering for sale or barter, any goods, wares, or merchandize, as a hawker or pedlar, without producing a license as aforesaid, shall forfeit and pay fifty dollars, to be recovered by action of debt or information in any court of record within this common-

wealth, one moiety to the use of the informer, and the other to the use of the commonwealth; *Provided*, That in all such cases, bail shall be required as in actions of debt.

Proviso.

SEC. III. THE clerks of the respective courts, shall be entitled to receive fifty cents for each license to be granted in pursuance of this act. It shall be the duty of the clerks to transmit to the auditor of public accounts, once in every year, whether any and what number of licenses have been granted by his court under this act; and every clerk neglecting this duty, shall forfeit fifty dollars, to be recovered in the general court, by motion, on ten days previous notice.

Fee to clerks for issuing licenses, and their duty under this act.

SEC. IV. THE sheriff or serjeant for receiving the tax laid by this act on licenses, shall be entitled to the same commissions, and be subject to the same proceedings, for non-payment of the same into the treasury, as is prescribed for the recovery of the public revenue,

Sheriffs commissions, &c.

SEC. V. NOTHING in this act contained, shall be construed to prevent any person or persons from offering for sale, or barter, any goods or commodities, the growth or manufacture of this commonwealth, or of any of the United States; nor shall any thing herein contained, be construed so as to permit any person obtaining a license under this act, to authorise any negro or mulatto, bond or free, to vend any goods, wares, or merchandize, but in all such cases, the negro or mulatto offering any goods, wares, or merchandize, shall be proceeded against in like manner as is prescribed by this act, against persons offering goods, wares, or merchandize, for sale or barter, without license.

Construction of this act as to goods of the growth of the United States.

Penalty on negroes and mulattoes offering goods for sale.

SEC. VI. THIS act shall commence and be in force from and after the eighth day of March next.

CHAPTER XXIV.

An ACT increasing the Salary of the Clerk of the General Court, and for other Purposes,

[Passed, December the 22d, 1797.]

SECTION I. BE it enacted by the General Assembly, That in lieu of the salary now allowed by law to the clerk of the general court, he shall and may receive at and after the rate of five hundred dollars per annum, payable in like manner as the salary heretofore allowed him, has been paid.

Salary of the clerk to the general court.

SEC. II. AND be it further enacted, That the fifth section of the act of Assembly, passed in the year one thousand seven hundred and ninety-two, intituled, *An act reducing into one the several acts concerning the fees of certain officers, and declaring the mode of discharging the said fees and county levies*, shall be, and is hereby repealed.

Repealing clause.

SEC. III. AND be it further enacted, That where a motion shall be made or suit instituted against any person or persons for money due to the public, by, or in the name of the person authorised by law so to do, and judgment shall be recovered against him, her, or them, the clerk of the court wherein such motion shall be made or suit instituted, shall be, and is hereby authorised to charge to the commonwealth the fees accruing thereon for services rendered the public; *Provided however*, That the said fees shall not be demanded or exacted until the same shall be received of the person or persons against whom such judgment shall be obtained.

Fees for motions made, or suits instituted chargeable to the commonwealth.

Proviso.

SEC. IV. THIS act shall commence and be in force from and after the first day of January, one thousand seven hundred and ninety-eight.

Commencement.

CHAPTER XXV.

An ACT for Removing the Superior Court from the Town of New-London,

[Passed, January the 22d, 1798.]

WHEREAS it hath been represented to the present General Assembly, that the place appointed by law for holding a superior court for the district composed of the counties of Bedford, Campbell, Franklin, Pittsylvania, Patrick, and Henry, is not only remote from the centre, but inconvenient and burthensome to suitors and others necessarily compelled to attend the same; For remedy whereof,

Preamble,

SECTION I. BE it enacted, That Joshua Stone, James M. Williams, Joseph Martin, George Harston, Samuel Harston, Benjamin Cooke, Charles Foster, James Clark, Edward Tatham, John Deprist, Callohill Mennis, and David Saunders, gentlemen, or a majority of them, shall be, and they are hereby empowered and required to meet at William Ward's springs, on the first Tuesday in May next, and thence proceed to view, examine, and ascertain the most eligible situation, at, or as near the centre of the said district, as convenience will admit, whereon to erect the necessary public buildings, for holding a superior court for

Persons appointed to ascertain the most central and convenient place whereon to erect the necessary buildings for holding a court &c.

Mode of, and
funds for erecting
such buildings, how supplied.

the said district: And the said commissioners, or a majority of them, shall thereafter proceed to let the building of a courthouse and prison, (of such dimensions and form, as they may judge most proper,) to the lowest bidder, having previously advertised the time and place, on a court day, at each of the court houses of the counties of Pittsylvania; Franklin, Bedford, and Campbell, certifying under their hands to the court of each of the said counties composing the district, the sum for which the said buildings was let; and ascertaining also in the said certificate, the proportion thereof to be paid by each county, according to the number of tithables; and the respective courts shall, at the time directed by law for laying county levies, next ensuing the receipt of the said certificate, levy their several proportions of the expense of the said buildings, to be paid to the order or orders of the said commissioners, or a majority of them.

Person undertak-
ing the build-
ings shall enter
into bond and se-
curity, &c.

SEC. II. THE person or persons undertaking the said buildings, shall enter into bond with sufficient security, in the penalty of ten thousand dollars, payable to the said commissioners, or the survivors or survivor of them, with condition for the due and faithful performance of the work, according to contract.

Commissioners
failing to meet at
time appointed
may meet any
other day.
Provided.

SEC. III. IF a majority of the said commissioners shall fail to attend at the time and place aforesaid, it shall be lawful for them to meet and proceed to the execution of this act, on any other day: Provided always, And be it further enacted, That the said commissioners, or a majority of them, shall receive the proposals of individuals for erecting the said buildings at their own expense; and if the said commissioners shall be of opinion, all circumstances considered, that any place proposed by an individual, will be convenient and proper, they are hereby empowered and required to accept of, and close with such proposals; any thing herein before contained to the contrary, notwithstanding.

Buildings being
completed dis-
trict court to be
there holden.

Commencement

SEC. IV. SO soon as the said buildings shall be completed, a superior court shall thenceforth be holden at the said place so appointed by the said commissioners.

SEC. V. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XXVI.

An ACT to empower the Justices of the County of Ohio, to alter the Place of holding Courts therein.

[Passed, December the 27th, 1797.]

Justices to fix
upon a central
place for holding
courts because
buildings to be
erected, &c.

SECTION I. BE it enacted by the General Assembly, That the justices of the peace for the county of Ohio, or a majority of them, shall, at a court to be held in the month of May or June next, fix upon a place for holding courts in the said county at or as near the centre thereof, as the situation and convenience will admit, and thenceforth proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding courts in the said county as they shall think proper.

Commencement

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XXVII.

An ACT for altering the Court Day and Quarterly Sessions of the County of Pendleton.

[Passed, January the 1st, 1798.]

Monthly and
quarterly courts
when to be hold-
en.

BE it enacted by the General Assembly, That from and after the first day of March next, a court for the county of Pendleton, shall be held by the justices thereof on the first Tuesday in every month, instead of the day heretofore appointed by law. And that a court of quarterly session shall be held for the said county in the months of March, June, August and November, in every year; any law to the contrary, notwithstanding.

CHAPTER XXVIII.

An ACT to Empower the Court of Russell county to appoint Persons to Solemnize the Rites of Marriage.

[Passed, December the 25th, 1797.]

Court author-
ised to appoint
persons to solemn-
ize the rites of
marriage.

SECTION I. BE it enacted by the General Assembly, That it shall be lawful for the court of the county of Russell, and it is hereby required, to appoint two persons resident therein, who by virtue thereof, and of this act, shall be authorised to celebrate the rites of marriage within the said county, under the like rules, regulations, allowances, penalties and forfeitures, as directed and prescribed by the act, intituled, *An act to amend the act, to regulate the solemnization of marriages; prohibiting such as are incestuous or otherwise unlawful; to prevent forcible and stolen marriages; and for punishment of the crime of bigamy;* which was passed the third day of December, one thousand seven hundred and ninety-four.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XXIX.

An ACT for altering a Quarterly Session of the Court of Hardy County.

[Passed, December the 21st, 1797.]

BE it enacted by the General Assembly, That a court of quarterly session for the county of Hardy, shall hereafter be held by the justices thereof, in the month of June in every year, instead of the month of May.

A court of quarter session to be held in June.

CHAPTER XXX.

An ACT for Altering the Court Day and Quarterly Sessions of the County of Kanawha.

[Passed, January the 15th, 1798.]

BE it enacted by the General Assembly, That from and after the first day of March next, a court for the county of Kanawha, shall be held by the justices thereof, on the second Tuesday in each month, instead of the day heretofore appointed by law. And that a court of quarterly session shall be held for the said county, in the months of April, June, September, and November, in every year; any law to the contrary, notwithstanding.

Monthly and quarterly courts when to be held.

CHAPTER XXXI.

An ACT to alter a Court of Quarter Session in the County of Hampshire.

[Passed, January the 20th, 1798.]

SEC. I. **B**E it enacted by the General Assembly, That the court of quarter session, for the county of Hampshire, heretofore held in the month of May, shall hereafter be held in the month of June in every year; any law to the contrary thereof, notwithstanding.

A court of quarter session to be held in June.

Commencement

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XXXII.

An ACT to improve the Navigation of Staunton River, from Booker's Ferry to the Mouth of Pig River.

[Passed, January the 12th, 1798.]

WHEREAS it is represented, that the clearing, improving, and extending the navigation of Staunton river, from Booker's ferry to the mouth of Pig river, will be of public utility:

Preamble.

SEC. I. **B**E it therefore enacted by the General Assembly, That Philip Payne, William Witcher, William Ward, David Hunt, Charles Callaway, Bryant W. Nowling, John Ward, Benjamin Lankford, and John Lee, gentlemen, shall be, and they are hereby appointed trustees, for clearing and extending the navigation of the said Staunton river, from Booker's ferry to the mouth of Pig river, and for that purpose they are authorised to take and receive subscriptions.

Persons appointed trustees.

SEC. II. IF any person shall neglect to pay the money subscribed for the purposes of this act, it shall be lawful for the said trustees to recover the same in the name of the trustees for the time being, by warrant before a magistrate, where the subscription doth not amount to five dollars, and where it amounts to five dollars and upwards; by motion in the court of the county where the subscriber or subscribers reside; on giving the party ten days previous notice of every such motion.

Mode of recovering money from delinquent subscribers.

SEC. III. THE said trustees, or a majority of them, shall have power to contract and agree with any person or persons for clearing and improving the navigation of the said river, in such manner as they, or a majority of them shall judge most proper; and to remove all obstructions to the navigation of the said river.

Trustees may make contracts for improving this navigation.

SEC. IV. THE trustees, or a majority of them, shall have power to appoint one or more persons to receive all monies subscribed by virtue of this act, and the person or persons so appointed, shall in the court of the county of Campbell, give bond with sufficient security in a reasonable penalty, payable to the said trustees and their successors for the time being, with condition that he or they, his or their heirs, executors or administrators, shall and will at all times when required, truly and faithfully account for all such sums of money as shall come to his or their hands for the purposes of this act, and pay the same to such person or persons as the said trustees or a majority of them, shall order and direct.

Persons to be appointed to receive money subscribed, who shall enter into bond, &c.

Preamble—re-
Monies not paid
to the order of
trustees how re-
covered from the
receivers thereof

Sec. V. IF the receiver or receivers shall neglect or refuse to pay the money as ordered or directed by the said trustees, or so much thereof as shall come to his or their hands, the party entitled to receive the same by virtue of such order, shall and may recover the money in like manner as is herein before directed and prescribed in the case of persons refusing or neglecting to pay their subscriptions.

Vacancies in of-
fice of trustee,
Who supp. s.t.

Sec. VI. VACANCIES by death, resignation or otherwise, of any of the said trustees, shall be supplied by the remaining trustees or a majority of them,

Commencement

Sec. VII. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XXXIII.

An ACT to explain the Act, intituled, An Act to amend the Act, intituled, An Act for opening and improving the Navigation of Quantico Creek, in the County of Prince-William.

[Passed, January the 17th, 1798.]

Preamble—re-
citing difficulties
which occurred
in the execution,
from the con-
struction, of the
acts herein men-
tioned.

WHEREAS in the session of Assembly, held in the year one thousand seven hundred and ninety-five, an act was passed, *For opening and improving the navigation of Quantico creek, in the county of Prince-William*, whereby it was enacted, that certain persons therein named, should receive subscriptions for the sum of ten thousand dollars, to be applied to opening and improving the said navigation, and that so soon as more than half the said sum should be subscribed, the said subscribers should be a body corporate, under the name of the Quantico Company, by virtue of which said act, the said sum of ten thousand dollars was accordingly subscribed: And whereas at the subsequent session of the Assembly, in the year one thousand seven hundred and ninety-six, an act was passed to amend the said act, whereby additional subscriptions were directed to be received to the amount of twenty thousand dollars, and it is doubted whether by the said last mentioned act, the corporation established by the former act, be not dissolved: For removing all doubts and difficulties on the said subject,

Explaining the
said acts, incor-
porating the sub-
scribers, and de-
fining their pow-
ers.

BE it enacted, That the subscribers of the original sum of ten thousand dollars, and the subscribers of the additional sum of twenty thousand dollars, under the above recited laws, shall be, and are hereby constituted and appointed a body corporate, under the name of the Quantico Company, with all such powers and privileges as were granted to the Quantico Company, by the original or subsequent act, *For opening and improving the navigation of Quantico creek*; any thing in any other law to the contrary, notwithstanding.

CHAPTER XXXIV.

An ACT appointing Commissioners to view Willis's River.

[Passed, January the 16th, 1798.]

Persons appoint-
ed to carry this
act into effect—
and make report
thereof to the
general assembly

SECTION I. **BE it enacted**, That William Perkins, Jun. Charles Yancey, Abraham Venable, Carter Page, Powhatan Bolling, Samuel Allen, and William Evans, gentlemen, or a majority of them, are hereby required to view and examine Willis's river, from the fork thereof upwards; and report to the next session of Assembly, how far, in their opinion, it is practicable to open and extend the navigation thereof.

Commencement

Sec. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XXXV.

An ACT for opening and extending the Navigation of Shenandoah River.

[Passed, January the 23d, 1798.]

Preamble.

WHEREAS the extension of the navigation of Shenandoah river, will be of public utility, and the Patowmae Company having relinquished their right to the opening thereof, on certain conditions: And whereas it may be necessary to cut canals, and erect locks, and other works on both sides of the river, and the Legislature of Virginia, impressed with the importance of the object, are desirous of encouraging so useful an undertaking:

Persons authoris-
ed to receive sub-
scriptions in cer-
tain places.

SECTION I. **BE it therefore enacted by the General Assembly**, That it shall and may be lawful to open books in Winchester, under the direction of Robert Macky, Hugh Holmes, and Adam Douglas; in Charlestown, under the direction of George Hite, Thomas Hammond, and Van Rutherford; in Woodstock, under the direction of William H. Dulaney, Robert Gaw, and Isaac Bowman; in Harrisonburg, under the direction of John Koontz, Ather Waterman, and Thomas Harrison; in Staunton, under the direction of Archibald Stewart, Alexander St. Clair, and James Edmondson; and in Martinsburg, under the direction of Philip Pendleton, David Hunter, and Elisha Boyd; which subscriptions shall be made personally,

or by power of attorney in Spanish milled dollars. The said books shall be opened for receiving subscriptions, on the first day of March next, and continue open for this purpose, until the first day of January, in the year one thousand seven hundred and ninety-nine; and on the fifteenth day of the said month of January last mentioned, there shall be a general meeting of the subscribers, at Woodstock, of which meeting, notice shall be given by the said managers, or any three of them, in the Winchester Gazette, at least one month next before the said meeting, and such meeting shall and may be continued from day to day, until the business is finished; and the acting managers at the time and place hereinafter mentioned, shall lay before such of the subscribers as shall meet according to the said notice, the books by them respectively kept, containing the state of the said subscriptions: And if one half the capital sum herein after mentioned, should, upon examination, appear not to have been subscribed, then the said managers at the said meeting, are empowered to take, and receive subscriptions, to make up the deficiency, and a just and true list of all the subscribers, with the sums subscribed by each, shall be made out and returned by the said managers, or any three or more of them, under their hands, into the district court held at Winchester, to be there recorded.

Subscription
shall commence
on the 15th day
of March next,
and general meet-
ing of subscribers
take place at
Woodstock, on
15th January,
1799.

Managers to
make report of
their proceeding
to said meeting.

List of subscri-
bers to be record-
ed.

SEC. II. AND in case more than one hundred and twenty thousand dollars shall be subscribed, then the same shall be reduced to that sum, by the said managers, or a majority of them, by beginning at, and striking off a share from the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions under the largest, and above one share, until the sum is reduced to the capital aforesaid; or, until a share is taken from all subscriptions above one share; and lots shall be drawn between the subscribers of equal sums, to determine the numbers in which such subscribers shall stand, on a list to be made for striking off as aforesaid; and if the sum subscribed still exceeds the capital aforesaid, then to strike off by the same rule, until the sum subscribed is reduced to the capital aforesaid, or all the subscriptions are reduced to one share; and if there still be an excess, then lots to be drawn to determine the subscribers who are to be excluded, to reduce the subscriptions to the capital aforesaid, which striking off, shall be certified in the list aforesaid, and the said capital sum shall be reckoned and divided into six hundred shares, of two hundred dollars each, of which, every person subscribing, may take and subscribe for one or more whole shares, and not otherwise. *Provided,* That unless one half of the said capital shall be subscribed as aforesaid, all subscriptions made in consequence of this act, shall be void; and in case one half, and less than the whole of the said capital shall be subscribed as aforesaid, then the president and directors are hereby empowered and directed to take and receive the subscriptions which shall first be offered in whole shares as aforesaid, until the deficiency shall be made up, a certificate of which additional subscriptions, shall be made under the hands of the president and directors, or a majority of them, for the time being, and returned to, and recorded in, the district court aforesaid.

Capital divided
into 600 shares
of 200 dollars
each—and pro-
ceedings in case
of excess in the
number of shares

Proviso.

SEC. III. AND be it further enacted, That in case one half of the said capital, or a greater sum shall be subscribed as aforesaid, the said subscribers, and their heirs and assigns, from the time of the said first meeting, shall be, and are hereby declared to be incorporated into a company by the name of the Shenandoah Company, and may sue and be sued as such; and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a president and four directors, for conducting the said undertaking, and managing all the said company's business and concerns, for and during such time, not exceeding three years, as the said subscribers, or a majority of them, shall think fit; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares above ten, by him or her held at the time in the said company, and any proprietor by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her, at any general meeting.

Subscribers inc-
orporated, shall
elect a president
and four direc-
tors—Votes how
taken.

Power of presi-
dent and direc-
tors in managing
the company's
concerns, appoint-
ing officers, &c

SEC. IV. AND be it further enacted, That the said president and directors so elected, and their successors, or a majority of them assembled, shall have full power and authority to agree with any person or persons, on behalf of the said company, to cut such canals and erect such locks, and perform such other works, as they shall judge necessary, for opening, improving and extending the navigation of the said river, to the highest parts of the north and south branches, to which navigation can be extended, and carrying on the same from place to place, and from time to time, and upon such terms and in such manner, as they shall think fit; and out of the money arising from the subscriptions and the tolls, and the other aids herein after given, to pay for the same, and to repair and keep in order the said canals, locks, and other works necessary thereto, and to defray all incidental charges, and also to appoint a treasurer, clerk, and such other officers, toll-gatherers, managers, and servants, as they shall judge requisite, and to agree for and settle their respective wages or allowances, and settle, pass, and sign their accounts, and also to make and establish rules of proceeding, and to transact all the other business and concerns of the said company, in and during the intervals between the general meetings of the same; and they shall be allowed as a satisfaction for their trouble therein, such sum of money as shall, by a general meeting of the subscribers be determined. *Provided always,* That the treasurer shall give bond, in such penalty, and with such security, as the said president and directors, or a majority of them, shall direct, for the true and faithful discharge of the trust reposed in him, and that the allowance to be made to him for his services, shall not exceed three pounds in the hundred for the disbursements by him made, and that no officer in the said company, shall have any vote in the settlement or passing of his own account.

How compen-
sated for their
services.
Treasurer to en-
ter into bond with
security, &c.

President, &c.
to direct when
and what proportion
of money
on each share
shall be advanced by subscribers.

Penalty on delinquent subscribers.

President, &c.
re-eligible and
removable at
the pleasure of
stockholders.

President, &c.
shall take oath
of office.

Number of shares necessary to constitute a general meeting, which shall take place annually, and may adjourn if necessary from day to day—and to which president, &c. shall render accounts of their proceedings.

Extra meetings may be appointed.

Tolls demandable for the use of this navigation, which is hereby vested in the stockholders, and forever exempted from taxation.

SEC. V. *AND be it further enacted,* That the said president and directors, and their successors, or a majority of them, shall have full power and authority from time to time, as may be wanting, to make and sign orders for that purpose, and direct at what time and in what proportion the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised at least one month in the Winchester Gazette aforesaid, and they are hereby authorized and empowered to demand and receive of the several proprietors, from time to time, the sums of money so ordered to be advanced for carrying on and executing, or repairing and keeping in order, the said works, until the sums subscribed shall be fully paid, and to order the said sums to be deposited in the hands of the treasurer, to be by him disbursed and paid out as the said president and directors, or a majority of them, shall order and direct; and if any of the said proprietors shall refuse or neglect to pay the said proportions within one month after the same so ordered and advertised, as aforesaid, the said president and directors, or a majority of them, may sell at auction and convey to the purchaser, the share or shares of such proprietors so refusing or neglecting payment, giving at least one month's notice of the sale in the Winchester Gazette aforesaid. After retaining the sum due and charges of sale, out of the money produced thereby, they shall refund and pay the overplus if any, to the former owner, and if such sale shall not produce the full sum ordered and directed to be advanced, as aforesaid with the incidental charges, the said president and directors, or a majority of them, may in the name of the company, sue for and recover the balance by action of debt, or on the case, and the said purchaser or purchasers shall be subject to the same rules and regulations, as if the said sale and conveyance had been made by the original proprietor.

SEC. VI. *AND to continue the succession of the said president and directors, and to keep up the same number,* *Be it enacted,* That from time to time upon the expiration of the said term for which the said president and directors were appointed, the proprietors of the said company at the next general meeting, shall either continue the said president and directors, or any of them, or shall choose others in their stead, and in case of the death, removal, resignation, or incapacity of the president or any of the said directors, may and shall, in manner aforesaid, elect any other person or persons to be president and directors in the room of him or them so dying, removing or resigning, and may at any of their general meetings remove the president, or any of the directors, and appoint others for and during the remainder of the term for which such person or persons were at first to have acted.

SEC. VII. *AND be it further enacted,* That every president and director before he acts as such, shall take an oath or affirmation for the due execution of his office.

SEC. VIII. *AND be it enacted,* That the presence of proprietors having one hundred and twenty five shares shall be necessary to constitute a general meeting; and that there be a general meeting of proprietors on the first Monday in October annually, at such convenient town as shall from time to time be appointed by the said general meeting, but if a sufficient number should not attend on that day, the proprietors who do attend, may adjourn such meeting from day to day, till a general meeting of proprietors shall be had, which may be continued from day to day, until the business of the company is finished, to which meeting the president and directors shall make report, and render distinct and just accounts of all their proceedings; and on finding them fairly and justly stated, the proprietors then present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said company's books. And at such yearly general meetings, after leaving in the hands of the treasurer such sum as the proprietors or a majority of them shall judge necessary for repairs and contingent charges, an equal dividend of all the neat profits, arising from the tolls hereby granted, shall be ordered and made to and among all the proprietors of the said company, in proportion to their several shares: And upon any emergency in the interval between the said yearly meetings, the president, or a majority of the said directors, may appoint a general meeting of the proprietors of the said company, at any convenient town, giving at least one month's previous notice in the Winchester Gazette, aforesaid, which meeting may be adjourned and continued as aforesaid.

SEC. IX. *AND be it further enacted,* That for and in consideration of the expences the said proprietors will be at, not only in cutting the said canals, erecting locks and other works for opening the different falls of the said river, and in improving and extending the navigation thereof, but in maintaining and keeping the same in repair; the said canals and works, with all their profits, shall be, and the same are hereby vested in the said proprietors, their heirs and assigns, forever, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and be forever exempt from payment of any tax, imposition, or assessment whatsoever.

SEC. X. IT shall and may be lawful for the said president and directors, at all times forever hereafter, to demand and receive at Little's falls on the said river, or any place below the same falls which the president and directors or a majority thereof shall fix upon, for that purpose, the following tolls or rates, that is to say:

Dols. Cts.
For every pipe or hogshead of wine, containing more than sixty five gallons, 60
every hogshead of rum or other spirits, 55d
every hogshead of tobacco, 44
every cask between sixty-five and thirty-five gallons, one half of a pipe or hogshead, barrels, one fourth part, and smaller casks or kegs in proportion, according to the quality and quantity of their contents of wine or spirits.
every cask of linseed oil, the same as spirits.
every bushel of wheat, peas, beans, or flax-seed, 3d

	Dollars	Cents
For every bushel of Indian corn or other grain, or salt,	1	
every barrel of pork,	22	
every barrel of beef,	15	
every barrel of flour,	11	
every ton of hemp, flax, pot-ash, bar or manufactured iron,	1	10
every ton of pig iron or castings,	40	
every ton of copper, lead, or other ore, other than iron ore,	90	
every ton of stone, or iron ore,	20	
every hundred bushels of lime,	55	
every chaldron of coals,	20	
every hundred pipe staves,	9	
every hundred hogshead staves, or pipe or hogshead heading,	6	
every hundred barrel staves or barrel heading,	4	
every hundred cubic feet of plank or scantling,	40	
every hundred cubic feet of other timber,	22	
every gross hundred weight of all other commodities and packages,	6	
every empty boat or vessel, which has not commodities on board to yield so much, except an empty boat or vessel returning, whose load has already paid at the aforesaid place the sum fixed; in which case she is to repass toll free,	10	

which tolls may be discharged in dollars and cents, or other coin made current by law.

SEC. XI. AND in case of refusal or neglect to pay the tolls at the time of offering to pass through the place aforesaid, and previous to the vessel's passing through the same, the collectors of the said tolls may lawfully refuse passage to such vessels; and if any vessel shall pass without paying the said tolls, then the said collectors may seize such vessel wherever found and sell the same at auction, for ready money, which so far as is necessary, shall be applied towards paying the said tolls, and all expences of seizure and sale, and the balance, if any, shall be paid to the owner: And the person having the direction of such vessel, shall be liable for such toll, if the same is not paid by sale of such vessel as aforesaid. *Provided*, That the said proprietors, or a majority of them, holding at least three hundred shares, shall have full power and authority, at any general meeting, to lessen the said tolls, or any of them; or to determine that any article may pass free of toll.

Penalty for non
payment of tolls

Proviso.

SEC. XII. AND be it further enacted, That the said river and the works to be erected thereon in virtue of this act, when completed, shall forever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities, or produce whatsoever, on payment of the tolls imposed by this act, and no other toll or tax whatever for the use of the water of the said river, and the works thereon erected, shall at any time hereafter be imposed by the General Assembly of Virginia.

Navigation de-
clared free to all
—subject to pay
ment of tolls
herein mention-
ed.

SEC. XIII. AND whereas it is necessary for the making the said canal, locks, and other works, that a provision should be made for condemning a quantity of land for the purpose, *Be it enacted*, That it shall and may be lawful for the said president and directors, or a majority of them, to agree with the owners of any land through which the said canal is intended to pass for the purchase thereof; and in case of disagreement, or in case the owner thereof shall be a ~~fee simple~~ covert, under age, non compos, or out of the state, on application to any two justices of the county in which such land shall lie, the said justices shall issue their warrant under their hands, to the sheriff of their county to summon a jury of twenty-four inhabitants of his county, of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, on a day to be expressed in the warrant; not less than ten, nor more than twenty days thereafter; and the sheriff upon receiving the said warrant, shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, shall administer on oath or affirmation to every juror who shall appear, "That he will faithfully, justly, and impartially, value the land, (not exceeding in any case the width of one hundred and forty feet) and all damages the owner thereof shall sustain by cutting the canal through such land, according to the best of his skill and judgment, and that in such valuation he will not spare any person, through fear or affection, nor any person grieve, through malice, hatred, or ill-will." And the inquisition thereupon taken, shall be signed by the sheriff and some twelve or more of the jury, and returned by the sheriff to the clerk of his county, to be by him recorded; and upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the said president and directors to the owner of the land, or his legal representative, and on payment thereof, the said company shall be seized in fee, of such land, as if conveyed by the owner to them and their successors by legal conveyance. *Provided nevertheless*, That if any farther damage shall arise to any proprietor of land in consequence of opening such canal, or in erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as any such new damage shall happen, by application to, and a warrant from any two justices of the county where the lands lie, to have such farther damage valued by a jury in like manner, and to receive and recover the same of the said president and directors: But nothing herein shall be taken or construed to entitle the proprietor of any such land to recover compensation for any damages which may happen to any mills, forges, or other water-works, or improvements which shall be begun or erected by such proprietor, after such first valuation, unless the said damage is wilfully or maliciously done by the said president and directors, or some person by their authority.

Land requisite
for completion
of this work;
how acquired.

Juries convened
for valuing lands,
&c. shall be
sworn.

Inquisition to be
signed by sheriff
and jurors, and
returned to court
and recorded—
Their valuation
of damages, &c.
conclusive.

Proviso.

Further proviso.

President, &c. to purchase a piece of land near the place of receiving tolls, and proceedings in case of disagreement in the price thereof.

Company may use the water for the purpose of mills &c. without consent of owners of land through which the same is conducted.

Proprietors may sell and transfer their shares.

Provided.

Number of shares for raising capital proposed by this act, may if necessary, be augmented.

Original proprietor is to have preference in subscriptions for such increase. Same rules to be observed in other respects, which governed in receiving the first subscriptions.

Tolls not demandable unless the navigation is completed.

Benefits of this act done away in case of failure to commence to complete the work in a certain time.

Commencement

Powers of harbour masters as to bay craft.

SEC. XIV. AND be it further enacted, That the said president and directors, or a majority of them, are hereby authorised to agree with the proprietors, for the purchase of a quantity of land not exceeding one acre, at or near the place of receipt of tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement or any of the disabilities aforesaid, or the proprietor being out of the state, then such land may be valued, condemned, and paid for as aforesaid, for the purpose aforesaid; and the said company shall, upon payment of the valuation of the said land be seized thereof in fee simple, as aforesaid.

SEC. XV. AND whereas some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting mills, forges, and other water works, and the persons possessors of such situations may design to improve the same; and it is the intention of this act not to interfere with private property, but for the purpose of improving and perfecting the said navigation: Be it enacted, that the water or any part thereof conveyed through any canal cut or made by the said company, shall not be used for any purpose but navigation, unless the consent of the proprietors of the land through which the same shall be led, be first had, and the said president and directors, or a majority of them, are hereby empowered and directed, if it can be conveniently done, to answer both the purposes of navigation and water works aforesaid, to enter into reasonable agreements with the proprietors of such situation concerning the just proportion of the expences of making large canals or cuts, capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water-works as aforesaid.

SEC. XVI. AND be it further enacted, That it shall and may be lawful for every of the said proprietors to transfer his share or shares, by deed, executed before two witnesses, and registered, after proof of the execution thereof in the company's books, and not otherwise, except by devise, which devise shall be exhibited to the president and directors, and registered in the company's books, before the devisee or devisees shall be entitled to draw any part of the profits from the said tolls. Provided, That no transfer whatsoever shall be made, except for one or more whole share or shares, and not for part of such shares; and that no share shall at any time be sold, conveyed, transferred or held in trust, for the use and benefit, or in the name of another, whereby the said president and directors or proprietors of the said company, or any of them, shall or may be challenged or made to answer, concerning any such trust, but that every person appearing as aforesaid, to be a proprietor, shall, as to the others of the said company, be to every intent taken absolutely as such, but as between any trustee and the person for whose benefit any trust shall be created, the common remedy may be pursued.

SEC. XVII. AND be it further enacted, That if the said capital and the other aids already granted by this act, shall prove insufficient, it shall and may be lawful for the said company, from time to time, to encrease the said capital by the addition of so many more whole shares, as shall be judged necessary by the said proprietors, or a majority of them, holding at least four hundred shares, present at any general meeting of the said company; and the said president and directors, or a majority of them, are hereby empowered and required, after giving at least one month's notice thereof in the Winchester Gazette, aforesaid, to open books at the before mentioned places, for receiving and entering such additional subscriptions, in which the proprietors of the said company, for the time being, shall and are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened, as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose. And the said president and directors are hereby required to observe in all other respects the same rules therin, as are by this act prescribed, for receiving and adjusting the first subscriptions, and in like manner to return, under the hands of any four or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the district court aforesaid, as aforesaid, to be there recorded, and all proprietors of such additional sums shall and are hereby declared to be from thenceforward incorporated into the said company.

SEC. XVIII. AND be it hereby declared and enacted, That the tolls herein before allowed, to be demanded and received at the place or places to be affixed as aforesaid, are granted, and shall be paid on condition only, that the said Shenandoah Company shall make the river well capable of being navigated in dry seasons by vessels drawing one foot water, from the highest navigable places on the north and south branches of the said river, to the place aforesaid.

SEC. XIX. AND be it hereby provided and enacted, That in case the said company shall not begin the said work within nine calendar months after the company shall be formed, or if the navigation shall not be made and improved as aforesaid, in the manner herein before mentioned, within three years after the said company shall be formed, that then the said company shall not be entitled to any benefit, privilege or advantage under this act.

SEC. XX. THIS act shall commence and be in force from and after the passage thereof.

CHAPTER XXXVI.

An ACT to amend the ACT, intituled, An ACT for the Appointment of Harbour Masters, and declaring their Duty.

[Passed, January the 18th, 1798.]

SECTION I. BE it enacted by the General Assembly, That the harbour masters appointed, or to be appointed under the act, intituled, An act for the appointment of harbour masters, and declaring their duty, shall have and exercise full power and authority to regulate the anchoring of the river and bay crafts, that shall come within their respective jurisdictions.

SEC. II. EVERY master or skipper of a river or bay craft, who shall refuse to obey the directions of the harbour master, shall forfeit and pay the sum of two dollars, to be recovered by the harbour master, by warrant before any justice of the peace, which fine shall be applied towards lessening the county or corporation levies, as the case may be.

SEC. III. THE harbour master shall be entitled to receive from the master or skipper of each bay or river craft, that shall go within the county dock, or that shall anchor at, or be secured to the county wharf, twenty-five cents, to be recovered in like manner as is prescribed for his other fees.

SEC. IV. THE harbour master shall likewise have power to remove from the county wharf, all flats, lighters, and boats, that may obstruct the passage of ferry boats. And if any owner or master of a flat, lighter, or boat, shall refuse to obey the orders of the harbour master in this respect, every such owner or master, if a free man, shall forfeit and pay one dollar, to be recovered by warrant before any justice of the peace, which fine shall be applied as before directed; and if a slave, he or she shall receive such corporal punishment, as the justice before whom he or she may be carried, shall award, not exceeding twenty lashes.

SEC. V. AND be it further enacted, That instead of the fees heretofore allowed the harbour masters, they shall be entitled to receive from all masters or commanders of square rigged vessels, two dollars, and for all schooners and sloops, one dollar and twenty-five cents, and no more. Provided nevertheless, That no master or skipper of any bay or river craft, shall be subject to the payment of any fee by this act imposed, except those who shall go within any ferry dock, or shall anchor at, or make fast to the county wharves.

SEC. VI. THIS act shall not be so construed as to authorise any harbour master to prevent any bay or river craft from going to, or anchoring at any private wharves.

SEC. VII. ALL acts coming within the purview of this act, shall be, and are hereby repealed.

SEC. VIII. THIS act shall commence and be in force from and after the passing thereof.

Fees demandable
for square rigged
and other vessels.

Proviso,
Repealing clause

Construction of
this act in cer-
tain cases.

Repealing clause

Commencement

CHAPTER XXXVII.

An ACT for adding part of the County of Loudon to the County of Fairfax, and altering the place of holding Courts in Fairfax County.

[Passed, January the 3d, 1798.]

SECTION I. BE it enacted by the General Assembly, That all that part of the county of Loudon lying between the lower boundary thereof, and a line to be drawn from the mouth of Sugar Land run, to Carter's mill, on Bull run, shall be and it is hereby added to and made part of the county of Fairfax. Provided always, That it shall be lawful for the sheriff of the said county of Loudon to collect and make distress for any public dues or officers fees, which shall remain unpaid by the inhabitants of that part of the said county hereby added to the county of Fairfax, and shall be accountable for the same in like manner as if this act had not been made,

Part of Loudon
county added to
Fairfax.

Proviso,

SEC. II. AND be it further enacted, That it shall be lawful for a majority of the acting justices of the peace for the said county of Fairfax, together with the justices of the county of Loudon included within the part thus added to the said county of Fairfax, and they are hereby required at a court to be held in the month of April or May next, to fix on a place for holding courts therein at or as near the centre thereof, (having regard to that part of the county of Loudon hereby added to the said county of Fairfax,) as the situation and convenience will admit of; and thenceforth proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding courts as they shall think proper.

Justices to fix
and cause build-
ings to be erected
on a place
convenient for
holding courts.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER XXXVIII.

An ACT giving certain Powers to the James River Company.

[Passed, December the 28th, 1797.]

SECTION I. BE it enacted by the General Assembly, That the James river company shall, and they are hereby authorized to raise by loan or otherwise, a sum or sums of money, and to apply the same to the opening and improving of the branches of James river; Provided always, That the prosecution of such works shall not impede the improving of the navigation of the main branch of the said river, as is by law directed.

Company auth-
orized to raise
money by loan
for the purposes
herein.

SEC. II. AND be it further enacted, That the general annual meeting of the said company, shall hereafter be held on the second Tuesday in December, in every year, instead of the first Monday in October.

Time of annual
meeting.

SEC. III. AND be it further enacted, That the said company be permitted to have and use a common seal.

May have and
use a common
seal.

SEC. IV. THIS act shall be in force from and after the passing thereof.

Commencement

CHAPTER XXXIX.

An ACT to reduce the Number of Trustees in the Upper Appamattox Company.

[Passed, December the 23d, 1797.]

Number of trustees of the company reduced to thirteen.

SECTION I. BE it enacted by the General Assembly, That the number of trustees appointed by the act passed the twenty-first day of December, one thousand seven hundred and ninety-five, intituled, *An act to amend and reduce into one act, the several acts for opening and extending the navigation of Appamattox river*, shall at the next election, be reduced; and the holders of shares shall then, and at all future elections choose only thirteen trustees, a majority of whom shall compose a board to proceed to business; and the said trustees shall be vested with the same powers and continue in office for the like period as prescribed by the said act.

Superintendents &c authorized to act in certain cases.

SEC. II. UNTIL the number of trustees shall be so reduced, a majority of the superintendents, together with such of the trustees as do attend, shall have power, at any time and place appointed for a meeting of the trustees, to make any order which a majority of the trustees could make, and to do all things necessary for carrying the said recited act into effect.

Repealing clause of the former act.

SEC. III. SO much of the said act as comes within the meaning of this act, is hereby repealed.

Commencement

SEC. IV. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XL.

An ACT to repeal the Act, intituled, An Act for erecting Liberty-Hall Academy into a College.

[Passed, January the 19th, 1798.]

Repealing an act herein mentioned.

SECTION I. BE it enacted, That the act passed at the last session of Assembly, intituled, *An act for erecting Liberty-Hall academy into a college*, shall be, and the same is hereby repealed.

Re-enacting the act repealed by the first recited act.

SEC. II. AND be it further enacted, That the act passed in the year one thousand seven-hundred and eighty-two, intituled, *An act for incorporating the rector and trustees of Liberty-Hall academy*, or so much thereof, as may have been repealed by the first recited act, shall be, and the same is hereby revived; and shall remain in as full force to all intents and purposes, as if the said first recited act had never been made. *Provided nevertheless*, That the said academy shall hereafter be called and known by the name of Washington.

Proviso.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XLI.

An ACT authorizing the Common Council of the Borough of Norfolk to make Provision for the Support of the Poor of the said Borough.

[Passed, January the 11th, 1798.]

Common council of the borough empowered to provide for the poor, & appoint overseers thereof.

SECTION I. BE it enacted by the General Assembly, That the common council of the borough of Norfolk shall be, and they are hereby authorised and empowered to levy and assess taxes for the support and maintenance of the poor of the said borough; to make such regulations as to them shall seem proper relative to the poor house and work house already erected, or which they may hereafter think it necessary to erect therein, and annually to appoint overseers of the poor of the said borough; which overseers so to be appointed, shall, in all respects relative to their poor, have all other powers and authorities not expressly given by this act to the said common council, which overseers of the poor, elected for counties, have in their respective counties.

Powers of Hustings court, and C. Council distinct.

SEC. II. THE court of hustings of the said borough shall not in future have or exercise any of the powers herein vested in the common council or overseers of the poor.

Commencement

SEC. III. THIS act shall commence and be in force from and after the first day of May next.

CHAPTER XLII.

An ACT concerning the Charity School of Frederickburg.

[Passed, December the 28th, 1797.]

Preamble.

WHEREAS Archibald McPherson did, by his last will and testament, duly proved and recorded, direct, that his estate therein mentioned, should be sold by the feoffees of the town of Frederickburg, and the interest arising from the proceeds of such sale, applied by them to the education of poor children, which donation has since become vested in the body corporate of the said town, by act of Assembly, incorporating the same: And whereas the said body corporate, in order to carry the intention of the said Archibald McPherson into complete effect, have signified their wish, that the said donation may be vested in the trustees of the Charity School of the said town:

Donation herein mentioned vested in the trustees of the school.

SECTION I. BE it therefore enacted by the General Assembly, That the said donation shall be, and the same is hereby vested in the trustees aforesaid; and the said trustees are hereby authorised and empowered to use and appropriate the interest arising therefrom in such manner, as to them shall seem best, for the advantage and prosperity of the said school.

Commencement

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XLIII.

An ACT incorporating the Trustees of the Charlestown Academy, in the County of Berkeley.

[Passed, December the 25th, 1797.]

S E C T I O N I. **B**E it enacted by the General Assembly, That Eliha Boyd, John Dixon, Edward Tiffan, William Hill, Thomas Rutherford, George North, Alexander White, Ferdinando Fairfax, George Hite, Samuel Washington, Thomas Griggs, and Gabriel Nourse, gentlemen, shall be, and they are hereby constituted and appointed a body politic and corporate, to have perpetual continuance, by the name of the Trustees of the Charlestown Academy, and by that name may sue and be sued, and may and shall have a common seal, and be enabled to take and hold any estate real or personal, which may have been, or hereafter shall be, given or bought for the use of the said academy.

S E C . II. A MAJORITY of the aforesaid trustees shall be a sufficient number to constitute a board, and may and shall have power to appoint a president and tutors, a secretary and treasurer, and may enact such bye-laws, not contrary to any of the laws of this commonwealth, as may conduce to the benefit of the said academy.

S E C . III. IN case of the death or removal to the distance of twenty miles from the said academy, resignation, or other legal disability of any of the aforesaid trustees, a majority of the remainder may have power to appoint other or others in his or their stead.

S E C . IV. THE trustees aforesaid may and shall have power to receive subscriptions to the use of the said academy, and to enforce payment by suit, in case any shall fail or refuse to comply with their said subscriptions.

S E C . V. THIS act shall commence in force from the passing thereof.

Trustees herein-named, incorporated with certain powers.

Number of trustees necessary to constitute a board.

Vacancies in the office of a trustee how supplied.

Trustees may receive and enforce payment of subscriptions.

Commencement

CHAPTER XLIV.

An ACT authorizing the Register of the Land-Office to deliver original Plats and Certificates of Survey, in certain cases.

[Passed, January the 11th, 1798.]

S E C T I O N I. **B**E it enacted by the General Assembly, That the register of the land-office be, and he is hereby authorized and directed, to deliver to any person or persons, authorised to receive the same, the original plats and certificates of survey, returned to his office, for lands situated between the Scioto and Little Miami rivers, and for which, grants may have been issued, in consideration of military services.

Register authorized to redeliver original plats of survey for certain lands herein described.

S E C . II. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER XLV.

An ACT to repeal in Part certain Acts relating to certain Roads therein mentioned.

[Passed, January the 23d, 1798.]

S E C T I O N I. **B**E it enacted by the General Assembly, That so much of the act establishing the turnpike road from Ashby's gap, in the county of Fauquier, and from Snicker's and Vestal's gap, in the county Loudon, to the town of Alexandria, as also from George-town to the said town of Alexandria, as compels the male labouring tithables living within three miles of the aforesaid roads, to work thereon, shall be, and the same is hereby repealed. Provided always, That nothing herein contained, shall be construed to exempt the said tithables from working on roads pursuant to the act, intituled, *An act concerning public roads, and pursuant also to the act, intituled, An act authorizing the courts of Loudon and Fauquier, to keep a certain road in repair.*

Repealing part of certain acts herein recited.

Provviso.

S E C . II. THE commissioners, and their successors, shall have the power of regulating the funds arising under the first recited act, in like manner as if this act had not been made.

power of commissioners over certain funds.

S E C . III. AND be it further enacted, That it shall and may be lawful for the said commissioners, if to them it shall seem proper, to remove the turnpike gate, at present fixed upon the road leading from the town of Alexandria to George-town, and place the same on such part of the said road, leading into the town of Alexandria, from Vestal's gap, as to them shall seem most proper for securing the said tolls from carriages travelling the last mentioned road. Provided, That such removal shall not exceed half a mile from the place at which said turnpike gate now stands. Provided likewise, That the money hereafter received at the turnpike gates, shall first be applied to the payment of debts now due by the said commissioners.

Commissioners may remove the turnpike gate on the road from Alexandria to George Town. Proviso. Further proviso.

S E C . IV. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER XI.VI.

An ACT adding certain Lots to the Town of Petersburg, and for other Purposes therein mentioned.

[Passed, January the 11th, 1798.]

WHEREAS it is represented that in the town of Petersburg, from Durell's tavern, at the north-east end of the Old street, in what is called the old town of Petersburg, to Sycamore street, on the south-west boundary of the new town, no street or other highway is laid off, except a common thirty feet road, upon which incroachments have been, and are continued to be made, to the great injury and inconvenience of the citizens of the said town :

Preamble.

Persons appointed commissioners to lay off streets.

SECTION I. BE it therefore enacted, That Joseph Jones, Christopher M'Connico, William Harrison, William Cole, James Skelton Gilliam, James Campbell, and John Grammar, gentlemen, or any four of them, be, and they are hereby appointed commissioners, with full power and authority to lay off, at its present average width, the aforesaid street, as it now runs, from Durell's tavern to Sycamore street, which, when so laid off, shall be, and is hereby established as a street of the said town: And should any person or persons thereafter build, or attempt to build or re-build, within four feet of the same, it shall and may be lawful for the mayor and commonalty of the said town, by their order, to cause to be pulled down and destroyed, any building so erected or attempted to be erected.

Commissioners empowered to ascertain certain streets heretofore laid off, which are thereafter to be taken as part of the town.

SEC. II. AND whereas a certain Erasmus Gill hath laid off into lots and streets, a certain piece or parcel of land, adjoining the said town; Be it further enacted, That the said commissioners, or any four of them, be, and they are hereby empowered and required, to ascertain as well the lots and streets, so as aforesaid laid off, and included in a plat thereof, made by the said Erasmus Gill, as the lots and streets where the same may not be well known, in the other parts of the said town; and to make a fair plat thereof, which shall be returned to the common-hall of the said town, to be safely kept by their clerk; and the said lots and streets, when so ascertained, shall be, and are hereby established as such, and those so as aforesaid laid off by the said Erasmus Gill, annexed to, incorporated with, and considered as a part of the said town, subject to the same jurisdiction and regulations as the other parts thereof.

Commencement

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XLVII.

An ACT for clearing and repairing the Waggon Road from the State Road, to or near the Mouth of the Little Kanawha River.

[Passed, January the 18th, 1798.]

Court of Harrison county to levy on the tithables thereof a sum of money for the purposes herein mentioned.

SECTION I. BE it enacted by the General Assembly, That the court of the county of Harrison, shall, and they are hereby required, to levy on the titheable persons therein, from time to time, so much money as shall be sufficient to defray the expense of altering, clearing, and keeping in repair the waggon road from the state road, to or near the mouth of the Little Kanawha, to be collected and accounted for, in like manner, as by law prescribed for other county levies; and the said court are hereby empowered, from time to time, to make such order or orders herein, as to them shall seem necessary, for carrying into full effect this act. Provided, That the sum or sums so to be raised, shall not exceed one thousand dollars, in any term of two years.

Commencement

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XLVIII.

An ACT concerning the Public Square.

[Passed, January the 24th, 1798.]

Reservoirs to be made, and money appropriated for the expense thereof.

SECTION I. BE it enacted by the General Assembly, That the directors of the public buildings, cause one or more reservoirs for water, to be constructed on the public square, for the purpose of securing the capitol against accidents by fire; and that the Executive be authorised to order payment therefor, on a certificate from the directors aforesaid; provided the expense of the said reservoirs does not exceed the sum of one thousand dollars.

Commencement

SEC. II. THIS act shall commence and be in force from the passing thereof.

CHAPTER XLIX.

An ACT to revive an Act, intituled, An Act, to Increase the Reward for killing Wolves in certain Counties.

[Passed, January the 24th, 1798.]

Reward of 4 dollars for killing wolves in certain counties.

SECTION I. BE it enacted by the General Assembly, That every person who shall kill or destroy any wolf above the age of six months, in the counties of Pendleton, Pennsylvania, Montgomery, Rockingham, Grayson, Botetourt, and Washington, shall have a reward of four dollars; and for every wolf under the age of six months, to be adjudged by the justice before whom the head shall be brought, two dollars; and that every person who shall kill or destroy any wolf above the age of six months old, in the counties of Buckingham, Amherst, Bedford, Hardy, Campbell, Hampshire, Frederick, and Berkeley, shall receive a reward of ten dollars; and for every wolf under the age of six months, five dollars; to be levied and paid in the county where the same was killed, in like manner as other county charges are annually levied and paid, the party or parties entitled thereto producing a certificate or certificates thereof, obtained in manner required by this act.

Reward of 10 dollars in certain other counties & mode of paying said rewards.

SEC. II. EVERY person claiming such reward shall produce the whole head of every wolf to a justice of the peace of the county, wherein the same was killed or destroyed, and shall then also before the same justice make oath or affirmation to the effect following, that is to say: "I, A. B. do swear, that the head or heads (as the case may be) of the wolf or wolves "by me now produced was killed and destroyed in the county of C. So help me God;" and thereupon the justice shall grant to the wolf killer a certificate reciting his name, the number of heads produced, either of old wolves, or such as in his judgment appear not to exceed six months; the time and place when and where killed, and that oath or affirmation or other sufficient proof thereof hath been made before him; which being produced to the court laying

Persons claiming such reward, shall take an oath where the wolf was killed for which he claims such reward, &c.

the levy, shall entitle the party or parties therein named, to the reward aforesaid; but no claim or demand for the same shall be received or allowed without such certificate. *Provided always,* That every justice of the peace shall cause the ears of all wolves heads brought before him to be cut off in his presence, and shall not grant a certificate for any scalp.

SEC. III. ALL and every act or acts coming within the meaning of this act, is hereby repealed. *Repealing clause.*

SEC. IV. THIS act shall commence and be in force from and after the passing thereof. *Commencement.*

CHAPTER L.

An ACT making Provision for carrying into Effect, an Act, intituled, An Act for appointing Commissioners to superintend the opening a Road from Elk River in Kanawha County, to the Mouth of the Great Kanawha River.

[Passed, January the 24th, 1798.]

WHEREAS it is represented to the present General Assembly, that the commissioners appointed by an act passed, in the year one thousand seven hundred and ninety-four, intituled, *An act for appointing commissioners to superintend the opening a road from Elk river in Kanawha county, to the mouth of the Great Kanawha river,* have agreeably to the directions of the said act, had a road opened from the mouth of Elk river, to the mouth of the Great Kanawha river, and have also had a road opened through the narrows of Gauley, and issued certificates to the persons concerned in making the road to Great Sandy river, for the sums to which they respectively appeared to be entitled, but that the provisions made by the act aforesaid, are insufficient for the discharge of the several sums which the said commissioners have engaged to pay:

SECTION I. BE it therefore enacted, That the taxes of the said county of Kanawha, as well those now due, as those which may hereafter become due, shall be a fund for the discharge of the several sums the said commissioners have under the aforesaid act engaged to pay, in manner following: The said commissioners shall produce to the auditor of public accounts, a statement of their proceedings, containing the time at which they let the several roads, the persons to whom, and the sums for which they let the same, and also an exact account of the monies they may have paid to the several undertakers; which statement shall be signed by the commissioners, or a majority of them. All monies which have been, or shall be hereafter paid into the treasury by any sheriff or collector of the county of Kanawha, and also all monies paid by a person or persons, or by any sheriff or collector, on account of lands lying in the said county of Kanawha, shall be appropriated to the purpose of discharging all claims on account of the aforesaid roads. *Provided however,* That no claims shall be allowed, exceeding the sum of fifteen hundred pounds.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

Taxes of Kanawha county appropriated for carrying into effect this, and one other act herein recited.

Provilo.

Commencement.

CHAPTER LI.

An ACT to establish an Inspection of Tobacco on the Lands of Meades Anderson, in the County of Halifax.

[Passed, January the 10th, 1798.]

SECTION I. BE it enacted by the General Assembly, That an inspection of tobacco shall be, and the same is hereby established on the lands of Meades Anderson, at the Great falls of Banister river, in the county of Halifax, who shall build convenient houses at his own expense, to be called and known by the name of Anderson's Warehouse.

An inspection of tobacco established on the lands of M Anderson.

SEC. II. THERE shall be allowed and paid annually, to each of the inspectors at the said warehouse, the sum of one hundred dollars, for their salary.

Salary of the inspectors thereof.

SEC. III. THE inspectors at the said warehouse, upon the delivery of their notes, or an order, where they have not issued notes, shall deliver the tobacco for transportation, with a printed manifest, expressing the owners name, the name of the skipper of the bateau or canoe, with the marks, number and weight of the tobacco, and stamped with the ware-house name.

Duties of the inspectors in the transportation of tobacco.

SEC. IV. THE impost and duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for, and paid in like manner, as is directed and prescribed by law for other tobacco inspections, except where it shall be otherwise particularly directed by this act.

Impost on tobacco inspected at this warehouse how collected, &c.

SEC. V. SO soon as convenient houses for the reception of tobacco, shall be built by the said Meades Anderson, the court of the said county of Halifax shall recommend fit persons to be commissioned inspectors thereof.

Inspectors at this warehouse when and how appointed.

SEC. VI. NO person shall be obliged to receive any notes for tobacco passed at the said warehouse in discharge of any tobacco contract heretofore entered into. *Provided always,* That if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges, and the inspectors salaries, the deficiency shall not be paid by the public.

Notes issued from this inspection not receivable in prior contracts.

SEC. VII. THIS act shall commence and be in force from and after the passing thereof.

Commencement.

CHAPTER LII.

An ACT to establish a Town, and an Inspection of Tobacco on the Lands of John Nelson, in the County of Mecklenburg, and for other Purposes,

[Passed, January the 15th, 1798.]

The town of
Nelson establis-
hed, and names of
the trustees
thereof.

SECTION I. BE it enacted by the General Assembly, That one hundred acres of land, the property of John Nelson, lying on Staunton river, in the county of Mecklenburg, shall be, and they are hereby vested in Richard Kennon, Peyton Skipwith, Henry Speed, William Marshall, Robert Boyd, William Boyd, Thomas Wilson, Joseph Townes, and William Munford, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Nelson.

Mode of dispor-
ting of lots there-
in, conditions of
sale, &c.

SEC. II. SO soon as the said land shall be laid off into lots, the said trustees, or a majority of them, shall proceed to sell the same, at public auction, for the best price that can be had, the time and place of such sale being first advertised two months in some one of the news-papers printed in Petersburg or Richmond, and to convey the said lots to the purchasers in fee, subject to the condition of building on each, a dwelling house, equal to twelve feet square at least, with a brick or stone chimney, to be finished fit for habitation within five years from the day of sale, and pay the money arising from such sales, to the said John Nelson, or his legal representatives.

Power of the
trustees.

SEC. III. THE trustees of the said town, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem most proper, and to settle and determine all disputes concerning the bounds of the lots.

Privileges of pur-
chasers of lots in
laid town.

SEC. IV. SO soon as the purchasers of lots in the said town shall have built thereon, according to the conditions of their respective deeds of conveyance, they shall then be entitled to, and have and enjoy the same rights, privileges, and immunities, which the freeholders and inhabitants of other towns in this state, not incorporated, hold and enjoy.

Vacancies in the
office of a trustee
how supplied.

SEC. V. VACANCIES, by the death, resignation, or removal out of the county of any one or more of the said trustees, the same shall be supplied in manner prescribed by the act of Assembly, passed on the eleventh day of December, one thousand seven hundred and seventy-eight, intituled, *An act to empower the freeholders of the several towns not incorporated, to supply the vacancies of the trustees and directors thereof.*

An inspection of
tobacco estab-
lished adjoining
the said town of
Nelson.

SEC. VI. AND whereas it hath been represented, that it will be of public utility, to establish an inspection of tobacco on the lands of the said John Nelson, adjoining the said town, who is willing to build the necessary houses, at his own expense: Be it therefore enacted, That an inspection shall be, and the same is hereby established on the lands of the said John Nelson, adjoining the said town of Nelson, in the said county of Mecklenburg, to be called and known by the name of the Fork Warehouse.

Salary of the in-
spectors thereat.
Provided.

SEC. VII. THERE shall be allowed and paid annually, to each of the inspectors at the said warehouse, the sum of one hundred dollars, for their salary: Provided always, That if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges and the inspectors salaries, the deficiency shall not be paid by the public.

Duties to be per-
formed by the
said inspectors in
the transporta-
tion of tobacco
from the said
warehouse.

SEC. VIII. THE inspectors at the said warehouse, upon the delivery of their notes, or an order where they have not issued notes, shall deliver the tobacco for transportation, with a manifest of the same, expressing the owner's name, the name of the skipper of the batteau or canoe, or owner or driver of a waggon, when delivered to the latter, with the marks, number, and weight of the tobacco, and stamped with the warehouse name; which tobacco, when delivered to a waggon, shall be by the driver thereof delivered, with the manifest, to the inspectors at any of the warehouses which now are, or shall be hereafter established in the towns of Petersburg or Manchester, who are hereby required to receive the same, and enter the said tobacco agreeable to the said manifest, in books to be by them provided and kept for that purpose, and grant their receipts for the same, to the owners thereof, and be delivered for exportation when required.

Concerning to-
bacco received
from the afore-
said inspection,
by the inspectors
at Petersburg &
Manchester, the
warehouse kept
thereon, and how
appropriated.

SEC. IX. THE inspectors at the last mentioned warehouses, are hereby empowered to examine and weigh any tobacco to them delivered, when required by the owner thereof, and if found to be damaged or embezzled, the same shall not be entered in the books, but remain in the warehouse, subject to the direction of the owner, in like manner as other damaged tobacco. The inspectors at each of the said warehouses in Petersburg and Manchester, shall demand and receive for all tobacco brought to the said warehouses, by virtue of this act, the same warehouse rent, as is allowed for tobacco relanded from on board any vessel, and be appropriated in like manner, as the tax or rent of such relanded tobacco is by law directed.

Impost on tobacco
to be inspected at
this warehouse,
and how collect-
ed, &c.

SEC. X. THE impost and duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for, and paid in like manner, as is directed and prescribed by law for other tobacco inspections, except where it shall be otherwise particularly directed by this act.

Court to recom-
mend fit persons
for inspectors.

SEC. XI. SO soon as convenient houses for the reception of tobacco, shall be built by the said John Nelson, the court of the said county of Mecklenburg, shall recommend fit persons to be commissioned inspectors thereof.

SEC. XII. NO person shall be obliged to receive any notes for tobacco passed at the said warehouse, in discharge of any tobacco contract heretofore entered into.

SEC. XIII. AND be it further enacted, That a ferry shall be established from the land of the said John Nelson, in the county of Mecklenburg, across the thoroughfare of Dan and Staunton, to the opposite shore; and there shall be paid at the said ferry, for a man, four cents, and for a horse the same; for every coach, waggon, chariot, and the driver, the same as for six horses; for every four wheeled chaise, phæton, and driver, the same as for four horses; for every two wheeled riding carriage, the same as for two horses; for every hogshead of tobacco, the same as for one horse; for every head of neat cattle, the same as for one horse; for every sheep, hog, goat, or lamb, one fifth part of the ferriage for one horse; and the said ferry shall be subject to the same rules and regulations with other ferries by law established.

SEC. XIV. THIS act shall commence and be in force from and after the passing thereof.

Notes not receivable in discharge of prior contracts.

A ferry established across Dan & Staunton river, the rates for passing the same, & governed by the general regulations concerning ferries.

Commencement

CHAPTER LIII.

An ACT to authorize Landon Carter to build a Toll Bridge over the North Branch of Rappahannock River

[Passed, December the 25th, 1797.]

SECTION I. BE it enacted by the General Assembly, That it shall be lawful for Landon Carter, his heirs and assigns, to erect a bridge from his land at Norman's ford in the county of Culpeper, over the north branch of Rappahannock river.

SEC. II. SO soon as the said bridge shall be completed, it shall be lawful for the said Landon Carter, his heirs and assigns, to demand and receive the following tolls and rates for the passage of any person or thing, that is to say: For a man five cents, and for a horse the same; and for the passage of wheel carriages, tobacco, cattle, and other beasts over the said bridge, the said Landon Carter, his heirs and assigns, may demand and take the following tolls, that is to say: For every coach, chariot, four wheel chaise, or waggon, and the driver thereof, the same as for six horses; for every cart, two wheel chaise, or chair, the same as for two horses; for every hogshead of tobacco, as for one horse; for every head of neat cattle, as for one horse; for every sheep, goat, or lamb, one fifth part of the ferriage for one horse; and for every hog, one fourth part of the ferriage for one horse, and no more.

SEC. III. IF the collector of tolls at the said place, shall demand and receive from any person, greater rates than are hereby allowed for the passage of any thing, he shall, for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and ten shillings, to be recovered with costs, before a justice of the peace of the said county.

SEC. IV. THIS act shall commence and be in force from and after the passing thereof.

Toll bridge authorized to be erected over Rappahannock river

Rates for passing the same and when demandable.

Penalty for receiving greater rates than are allowed hereby and how recoverable.

Commencement

CHAPTER LIV.

An ACT to establish an Inspection of Tobacco on the Lands of Ichabod Hunter and John Epperson, in the County of Buckingham.

[Passed, January the 10th, 1798.]

SECTION I. BE it enacted by the General Assembly, That an inspection of tobacco shall be, and the same is hereby established on the lands of Ichabod Hunter and John Epperson, at the Cut Banks in the county of Buckingham, who shall build convenient houses at their own expense, to be called and known by the name of Epperson Warehouse.

An inspection of tobacco established at the Cut-Banks in Buckingham county.

SEC. II. THERE shall be allowed and paid annually to each of the inspectors at the said warehouse, the sum of one hundred dollars, for their salary.

Salary of the inspectors thereat.

SEC. III. THE inspectors at the laid warehouse upon the delivery of their notes, or an order where they have not issued notes, shall deliver the tobacco for transportation, with a manifest of the same, expressing the owner's name, the name of the skipper of the batteau or canoe, or owner or driver of a waggon, when delivered to the latter, with the marks, number and weight of the tobacco, and stamped with the warehouse name; which tobacco when delivered to a waggon, shall be by the driver thereof delivered with the manifest to the inspectors at any of the warehouses which now are, or shall be hereafter established, in the towns of Petersburg or Manchester, who are hereby required to receive the same, and enter the said tobacco agreeable to the said manifest, in books to be by them provided and kept for that purpose, and grant their receipts for the same to the owners thereof, and be delivered for exportation when required.

Duties to be performed by the said inspectors in the transportation of tobacco from the said warehouse.

SEC. IV. THE inspectors at the last mentioned warehouses, are hereby empowered to examine and weigh any tobacco to them delivered, when required by the owner thereof, and if found to be damaged or embezzled, the same shall not be entered in the books, but remain in the warehouse, subject to the direction of the owner, in like manner as other damaged tobacco: And the inspectors at each of the said warehouses in Petersburg and Manchester, shall demand and receive for all tobacco brought to the said warehouses by virtue of this act, the same warehouse rent as is allowed for tobacco re-landed from on board any vessel, to be appropriated in like manner as the tax or rent of such re-landed tobacco is by law directed.

Concerning tobacco received from the aforesaid inspection by the inspectors at Petersburg or Manchester—the warehouse rent thereon—and how appropriated.

SEC. V. THE impost and duty on tobacco inspected at the said warehouse, shall be the same and collected, accounted for and paid in like manner, as is directed and prescribed by law for other tobacco inspections, except where it shall be otherwise particularly directed by this act.

Duty on tobacco inspected at this warehouse, and how collected.

Inspectors at the
warehouse when
& how appointed

Notes of this in-
spection not re-
ceivable in con-
tracts prior to its
establishment.

Commencement

Public printer—
how appointed.

Proviso.

Annual salary
allowed him.

Vacancy in the
office of public
printer during
the recess of the
General Assembly,
how sup-
plied, &c.

Repealing clause

Commencement

Preamble.

Tolls and rates
for passing the
bridge herein
mentioned.

Penalty for re-
ceiving greater

SEC. VI. SO soon as convenient houses for the reception of tobacco shall be built by the said Ichabod Hunter and John Epperson; the court of the said county of Buckingham shall recommend fit persons to be commissioned inspectors thereof.

SEC. VII. NO person shall be obliged to receive any notes for tobacco passed at the said warehouse, in discharge of any tobacco contract heretofore entered into. *Provided always,* That if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges and the inspectors salaries, the deficiency shall not be paid by the public.

SEC. VIII. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LV.

An ACT directing the Mode of appointing the Public Printer, prescribing his Duties, and for other Purposes therein mentioned.

[Passed, January the 22d, 1798.]

SECTION I. BE it enacted, That the Public Printer shall be appointed annually by joint ballot of both houses of Assembly. *Provided,* That the present Public Printer, Augustine Davis, shall continue in office until the next session of assembly.

SEC. II. AND to prevent misunderstanding concerning the duties of the Public Printer. *Be it further enacted,* That he shall within thirty days after the rising of the assembly, publish all laws passed during the session; that he shall publish the journals of the house of delegates, regularly during such session; that he shall publish in his gazette or otherwise, as the same may be directed, all intelligence, notices of particular laws, proclamations and advertisements from the executive: Also all orders and advertisements directed to be published by the supreme courts, the treasurer, the auditor, attorney general, justices of the peace, and other public persons or bodies acting in their public capacity, and to supply the Executive, Treasurer, Auditor, and inspectors with blanks: But nothing herein expressed shall prevent the Public Printer from taking any fee which the law may have specially pointed out for any of the foregoing services.

SEC. III. AND whereas it has been represented to this present General Assembly, that the compensation heretofore allowed the Public Printer is inadequate to his services, it not being an indemnification for the labour, materials found, and other articles absolutely necessary to the carrying on the said business: *Be it therefore further enacted,* That the annual sum of two thousand seven hundred dollars be allowed the said Printer, as a compensation for his services, and that the auditor be directed to issue his warrant upon the treasurer, for the sum aforesaid.

SEC. IV. *AND be it further enacted,* That when a vacancy shall happen in the office of the said Printer, during the recess of the assembly, by his death, resignation or removal, such vacancy shall be supplied by the Executive, to continue until the meeting of the legislature, who shall, as soon as convenient thereafter, proceed to the appointment of a Printer, in manner and form herein prescribed: And such person appointed by the Executive, shall be paid for his services, such proportion of the above sum as the Executive may deem equitable and just, under such appointment of the Executive.

SEC. V. ALL and every act or acts, and parts of acts, coming within the purview of this act, shall be, and are hereby repealed.

SEC. VI. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LVI.

An ACT to authorise the Receipt of Tolls at the Bridge built over Buffaloe Creek, in the County of Brooke, for a limited Time.

[Passed, January the 15th, 1798.]

WHEREAS it hath been represented, that Oliver Brown, Alexander Wells, James Marshel, John Connel, and Robert Caldwell, have, at considerable expense, erected a bridge over Buffaloe creek, in Charlestown, and county of Brooke, which will prove a public convenience; and they have petitioned this Assembly, to pass an act authorising them to receive reasonable tolls from passengers, in order to reimburse the expense of building the said bridge, which it hath been judged expedient to do:

SECTION I. *BE it therefore enacted,* That it shall and may be lawful for the said Oliver Brown, Alexander Wells, James Marshel, John Connel, and Robert Caldwell, their respective executors, administrators, or assigns, to demand and receive the following tolls and rates for the passage of any person or thing, that is to say: For a man, four cents, and for a horse the same; and for the passage of other things, the following rates, that is to say: For every coach, chariot, or waggon, and the driver thereof, the same as for six horses; for every phæton or four wheeled chaise, and the driver thereof, the same as for four horses; for every riding chair and cart, the same as for two horses; for every hogshead of tobacco, as for one horse; for every head of neat cattle, as for one horse; and for every sheep, goat, lamb, or hog, one fifth part of the ferriage for one horse, and no more.

SEC. II. IF the collector of tolls at the said bridge shall demand and receive from any person, greater rates than are hereby allowed for the passage of any thing, he shall, for every

Such offence, forfeit and pay to the party grieved, the tolls demanded and received, and two dollars; to be recovered with costs, before a justice of the peace of the said county.

rates than are hereby allowed.

SEC. III. THIS act shall commence and be in force from and after the passing thereof; and continue in force during the term of seven years, and no longer.

Commencement and duration of this act.

CHAPTER LVII.

An ACT to fix the Tolls for passing Thomas Mason's Bridge, over Occoquan River.

[Passed, January the 2d, 1798.]

SECTION I. BE it enacted by the General Assembly, That it shall be lawful for Thomas Mason, his heirs and assigns, to demand and receive the following tolls and rates for the passage of any person or thing over his bridge, erected across Occoquan river, opposite to the town of Colchester, that is to say; For a man six cents, and for a horse the same: And for the following things, the collector of the said tolls may demand and take the following rates, that is to say: For every coach, chariot or waggon, and the driver thereof, the same as for six horses; for every phæton, four wheeled chaise or cart, and the driver thereof, the same as for four horses; for every two wheeled chair, as for two horses; for every Hogshead of tobacco, as for one horse; for every head of neat cattle, as for one horse; and for every sheep, goat, lamb, or hog, one fourth part of the toll for one horse, and no more.

Rates allowed for passing the bridge herein mentioned.

SEC. II. IF the collector of the tolls shall demand and receive any greater rates than are hereby allowed for the passage of any thing, he shall for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and two dollars; to be recovered with costs before a justice of the peace of the county, where the offence shall be committed.

Penalty for receiving greater rates, and how recoverable.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

Commencement.

CHAPTER LVIII.

An ACT to repeal the Act, intituled, An Act for killing Squirrels or Crows in certain Counties.

[Passed, January the 19th, 1798.]

SECTION I. BE it enacted by the General Assembly, That the act, intituled, *An act for killing squirrels or crows in certain counties*, passed on the sixteenth day of December, one thousand seven hundred and ninety-six, is hereby repealed.

Act herein recited repealed.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

Commencement.

CHAPTER LXIX.

An ACT to Establish several Towns.

[Passed, January the 15th, 1798.]

SECTION I. BE it enacted by the General Assembly, That twenty-five acres of land, the property of Ichabod Hunter and John Epperson, lying at the Cut Banks in the county of Buckingham, shall be, and they are hereby vested in William Perkins, jun. Charles Yancey, John Johns, Joel Watkins, Daniel Moseley, Henry Flood, Nathaniel Lancaster, Robert Kelsor, Anthony Winston, and Stephen Petis, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Planter's-Town:

Town of Planterstown established in Buckingham county, and trustees thereof.

THAT thirty acres of land, the property of Austin Miskell, John Overall, Benjamin Bronaugh, Peter Lucas, Howson Duncan, and Armistead Blackwell, in the county of Fauquier, shall be, and they are hereby vested in Robert Lewis, William Brent, senior, James Weathers, son of Cain, John Blackwell, and Robert Hunton, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Fayettesville. *Provided always*, That the trustees of the said town of Fayettesville, shall not interfere (in laying off the said lots) with any lot already laid off or built upon:

Town of Fayetteville established in Fauquier county, and trustees thereof.

THAT twenty-one acres of land, the property of Meades Anderson, lying at the Great Falls of Bannister river, in the county of Halifax, shall be, and they are hereby vested in David Bates, William M'Daniel, John B. Scott, Epaphroditus Sydnor, Robert D. Miller, William Hudson, and Joseph Petty, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Meadesville:

Town of Meadesville established in Halifax county, and trustees thereof.

THAT twenty-five acres of land, the property of William Clerk, lying in the county of Culpeper, shall be, and they are hereby vested in Thomas Spliman, John Reed, John Pendleton, Benjamin Ferguson, Samuel Ferguson, Henry Pendleton, junior, and Thomas Bywaters, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Clerksburg:

Town of Clerksburg established in Culpeper county, and trustees thereof.

THAT the lots and streets, as the same are already laid off by John Love, on his land lying on both sides of Broad Run, and near to the mill of the said John Love, in the county of Prince William, shall be established a town by the name of Buckland; and William Tyler, Alexander Scott, Briton Sanders, Robert Thrift, William Brooks, Richard Gill, William Hunton, Edward Carter, and Thomas Hunton, gentlemen, constituted trustees thereof:

Town of Buckland established in P. William county, & trustees thereof.

Town of James-Town established in Culpeper county and trustees thereof.

Town of Smith-field established in Berkeley county & trustees thereof.

Town of Wood-ville established in Culpeper county, and trustees thereof.

Town of Farm-ville established in Prince Ed-ward county, & trustees thereof.

Town of Berry-ville established in Frederick county, trustees thereof, & their powers.

Town of Heath-ville established in Northumber-land county, and trustees thereof.

Town of Yancey-ville established in Louisa coun-ty, and trustees thereof.

Town of Belfield established in Greenville coun-ty, and trustees thereof.

General regulations in sale of lots situated in the aforesaid towns.

Proviso.

Power of trustees of the said towns

Penalty on pur-chasers of lots failing to build thereon accord-ing to conditions of sale.

THAT twenty-four acres of land, lying in the county of Culpeper, the property of James Basye, shall be, and they are hereby vested in Joseph Basye, William Howe, Gabriel Green, Anthony Haynie, John Puller, William F. Grant, and John Corbin, gentle-men, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of James-Town.

THAT the lots and streets as the same are already laid off on the lands of John Smith, the younger, and William Smith, lying in the county of Berkeley, shall be established a town by the name of Smithfield; and John Packett, Moses Smith, John Smith, Jacob Reese, Joseph Grenham, and John Grenham, jun. gentlemen, constituted trustees thereof.

THAT forty acres of land, the property of Robert Gregg, and Charles Buck, lying in the county of Culpeper, shall be, and they are hereby vested in William Thornton, John S. Slaughter, John Thornton, Thomas Broaddus, Aylett Hawes, Lewis Connor, William Slaughter, James Green, and John Strother, gentlemen, trustees, to be by them, or a ma-jority of them, laid off into lots of half an acre each, with convenient streets, and establisched a town by the name of Woodville.

THAT fifty acres of land, the property of Judith Randolph, lying near Rutledge's bridge in the county of Prince Edward, shall be, and they are hereby vested in Charles Scott, Peter Johnson, John Randolph, jun. Philip Holcombe, jun. Martin Smith, Blake B. Woodson, and Creed Taylor, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and establisched a town by the name of Farmville.

THAT twenty acres of land, the property of Benjamin Berry, and Sarah Strebling, in the county of Frederick, as the same are already laid off into lots and streets, be es-tablished a town by the name of Berryville; and William M'Guire, Archibald Magill, Da-niel Morgan, Rawleigh Colston, John Milton, Thomas Strebling, George Blackmore, Charles Smith, and Bushrod Taylor, gentlemen, constituted trustees thereof, who, or a ma-jority of whom, shall have the like powers with the trustees of any other town in this com-monwealth not incorporated.

THAT thirty acres of land the property of John Heath, Thomas D. Downing, and Thomas W. Hughelett, adjoining to the court-house, in the county of Northumberland, shall be, and they are hereby vested in Thomas Gaskins, Walter Jones, John Heath, Catesby Jones, John Cralle, Thomas W. Hughelett, and Thomas D. Downing, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with conve-nient streets, and established a town by the name of Heathville.

THAT twenty five acres of land, the property of Robert Yancey, and Company, lying in the county of Louisa, shall be, and they are hereby vested in William O'Callis, Samuel Terrill, John Overton, Thomas Meriwether, sen. James Winston, Henry Garrett, David Bullock, Christopher Smith, and Charles Barrett, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Yanceyville.

THAT the lots and streets, as the same are already laid off by Belfield Starke, the proprietor thereof, at Hicks's Ford, in the county of Greensville, shall be established a town by the name of Belfield; and Thomas Cocke, William Maclin, John Blunt Turner, Wil-liam W. Wilkins, John Goodwin, and John Camp, gentlemen, constituted trustees thereof.

SEC. II. SO soon as the said lands, where the same hath not already been done, shall re-spectively be laid off into lots, the trustees thereof, and also of the said towns of Buckland, Smithfield, and Belfield, shall proceed to sell the same at public auction, for the best price that can be had, the time and place of such sales being respectively advertised for two months successively, previous thereto, in some one of the news-papers within this commonwealth, and to convey the said lots to the purchasers in fee, subject to the condition of building on each, a dwelling-house equal to twelve feet square at least, with a brick or stone chimney, to be fi-nished fit for habitation within seven years from the day of sale, and pay the money arising from such sales to the proprietors of the said lands respectively, or their legal representatives. *Provided always,* That nothing herein contained, shall be construed to authorise the trustees of the towns of Buckland and Smithfield, in the counties of Fauquier and Prince-William, to sell any lots on which the proprietors of the lands shall have built a house.

SEC. III. THE trustees of the said towns respectively, or a majority of them, are em-powered to make such rules and orders for the regular building of houses therein, as to them shall seem best, and to settle and determine all disputes concerning the bounds of the lots.

SEC. IV. IF the purchaser of any lot in either of the said towns shall fail to build there-on, within the time limited in his deed of conveyance, the trustees of the said town, where the lot has been sold by them, and where such failure happens, may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of the said town. Vacancies by death or otherwise, of any one or more of the trustees of the said towns respectively, shall be supplied in manner prescribed by an act of assembly, passed in the year

one thousand seven hundred and seventy-eight, intituled, *An act to empower the freeholders of the several towns not incorporated, to supply the vacancies of the trustees and directors thereof.*

SEC. V. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER LX.

An ACT extending the Jurisdiction of the Mayor and Commonalty of the Town of Alexandria, and for other Purposes.

[Passed, January the 8th, 1798.]

WHEREAS by an act of Assembly, passed in the year one thousand seven hundred and ninety-six, intituled, *An act adding to the town of Alexandria, certain lots contiguous thereto, and for other purposes therein mentioned,* it is enacted, "that certain improved lots, and all others as they become so improved, within the bounds in the said act mentioned, be added to and made part of the said town of Alexandria," thereby leaving out of the jurisdiction of the mayor and commonalty of the said town, the unimproved lots within the limits aforesaid; as long as they shall so remain unimproved; by which means the prosperity of the said town is in a great degree prevented:

SECTION I. BE it therefore enacted, That the unimproved lots within the limits aforesaid, shall be, and are hereby incorporated with, and considered as a part of the said town of Alexandria, and subject to the same regulations as the other parts thereof.

SEC. II. THE mayor and commonalty of the said town, are hereby authorised and empowered, whenever they may deem it proper, to open, extend, regulate, pave, and improve the streets of the said town: Provided however, That they shall make to every person or persons injured by the extention of any of the said streets, such compensation out of the funds of the corporation, as to the said mayor and commonalty shall appear to be just.

SEC. III. AND whereas the inhabitants of the said town sustain considerable inconveniences, and the interest and prosperity thereof are much impeded, in consequence of the erection of a rope-walk by a certain Charles Alexander, and now leased to Joseph Harper and Samuel G. Harper, extending across sundry streets of the said town: Be it therefore enacted, That it shall and may be lawful for the court of Fairfax county, and it is hereby empowered and required, on application of the said mayor and commonalty, to direct its clerk to issue a writ in the nature of a writ of ad quod damnum, to be directed to the sheriff of that county, commanding him to summon and impannel twelve fit persons, being freeholders, residing within his county, and without the limits of the said town, to meet upon the land at or near the said rope-walk, on a certain day to be named by the court, and inserted in the said writ, of which reasonable notice shall be given by the sheriff, to the said Joseph Harper and Samuel Harper.

SEC. IV. THE said freeholders on appearing, shall be charged by the said sheriff, on their oaths, impartially and to the best of their judgment, to view the premises, and to say to what damage it will be to the proprietor or tenants thereof, to remove the said rope-walk and its appurtenances.

Unimproved lots in Alexandria incorporated with other parts thereof.
Powers of the mayor, &c. over streets.
Proviso.

A rope-walk within the limits of the town to be discontinued.
Jury of inquest to be summoned &c.

Jury shall be sworn to act impartially.

SEC. V. THE inquest so made and sealed by the said jurors, together with the writ, shall be returned by the said sheriff to the succeeding court, and a copy thereof transmitted by the clerk to the mayor and commonalty of the said town, who shall thereupon order the damages found by the jury to be paid to the party or parties entitled to the same, and after payment or a tender thereof, it shall be lawful for the said mayor and commonalty to remove the said rope-walk, and all other obstructions occasioned by the erection thereof.

Inquest to be returned and compensation to the proprietor, how made, &c.

SEC. VI. AND be it further enacted, That the jurisdiction of the mayor and commonalty of the said town, shall extend to all vessels lying at any wharf, projecting from the said town; and also to all vessels made fast to others lying at the wharves, or in the docks, or waters within the wharves.

Jurisdiction of the mayor, &c. extended to vessels lying at wharves, &c.

SEC. VII. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER LXI.

An ACT to establish several New Ferries.

[Passed, January the 13th, 1798.]

SECTION I. BE it enacted by the General Assembly, That ferries be constantly kept at the places hereafter mentioned, and the rates for passing the same, as followeth, that is to say:

Ferries established and rates for passing the same.

FROM the land of Walter Denny, in the county of Ohio, across Ohio river, to the land of Andrew Woods, on the opposite shore, the price for a man, eight cents, and for a horse the same:

Across Ohio river from land of W. Denny.

FROM the land of Joseph Tomlinson, in the county of Ohio, at the mouth of Little Grave creek, across Ohio river, to the opposite shore, the price for a man, eight cents, and for a horse the same;

Across Ohio river from land of J. Tomlinson.

Across Ohio river from land of J. Atkinson.

FROM the land of John Atkinson, in the county of Ohio, across Ohio river, to the land of David Cloyd, on the opposite shore, the price for a man, eight cents, and for a horse the same:

Across Ohio river from land of J. Nicholls.

FROM the land of John Nicholls, in the county of Ohio, across Ohio river, to the opposite shore, the price for a man eight cents, and for a horse the same:

Across Dan river from land of J. Southerlin.

FROM the land of John Southerlin, in the county of Pittsylvania, across Dan river, to his land on the opposite shore, the price for a man four cents, and for a horse the same:

Across Little Kanawha river from the land of John Stockley.

FROM the land of John Stockley, in the county of Harrison, across Little Kanawha river, to his land on the opposite shore, the price for a man, four cents, and for a horse the same.

Rates of ferriage for carriages, cattle, &c.

SEC. II. THE transportation of the following things, shall be at the rates hereafter mentioned, that is to say: For every coach, chariot, waggon, and the driver, the same as for six horses; for every four wheeled chaise, phæton, and driver, the same as for four horses; for every two wheeled riding carriage, the same as for two horses; for every hoghead of tobacco, the same as for one horse; for every head of neat cattle, the same as for one horse; for every sheep, hog, goat, or lamb, one fifth part of the ferriage for one horse.

Penalty for receiving greater rates than herein allowed, and how recoverable.

SEC. III. IF the ferry keeper at either of the aforesaid places, shall demand and take from any person, a greater sum for the ferriages than is allowed by this act, such offender shall forfeit and pay to such person the ferriage demanded and received, and two dollars for every such offence, recoverable before a justice of the peace of the county.

Commencement

SEC. IV. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXII.

An ACT concerning the building of Iron-Works on the West Fork of Monongalia River.

[Passed, January the 5th, 1798.]

Dams may be erected over the west fork of Monongalia river. Proviso.

SECTION I. BE it enacted by the General Assembly, That it shall and may be lawful for the proprietor or proprietors of iron works on the west fork of Monongalia river, to erect one or more dams across the same, so high as to afford sufficient depth of water to work the same: Provided always, and be it further enacted, That slopes shall be erected at the end of every such dam in like manner and under the same rules and regulations as prescribed by the act passed on the first day of December, one thousand seven hundred and ninety-four, intituled, *An act to authorise the building of Iron works on the west fork of Monongalia river.*

Time allowed for completing iron-works here in mentioned.

SEC. II. AND be it further enacted, That the proprietor or proprietors aforesaid, shall be allowed until the first day of January, one thousand eight hundred, to compleat the said iron works; any law to the contrary notwithstanding.

Commencement

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXIII.

An ACT concerning the Ferry over the Bay of Chesapeake.

[Passed, December the 29th, 1797.]

Rates of ferriage over the bay of Chesapeake from land of the heirs of J. Bowdoin.

SECTION I. BE it enacted by the General Assembly, That in lieu of the rates heretofore allowed by law to the ferry from the land of the heirs of John Bowdoin, in the county of Northampton, to the towns of York, Hampton, and Norfolk, the following rates shall be established, and no more: For a man or horse passing singly, five dollars; for a man or horse, if there be more than one, and less than five, three dollars fifty cents; where there are more than four, three dollars; for every coach, chariot, or waggon, and the driver thereof, the same as for five horses; for every two wheeled chaise, or chair, the same as for two horses.

Penalty on persons herein described, for conveying any person or persons over the said ferry, and how recoverable. Proviso.

SEC. II. AND be it further enacted, That it shall not be lawful for any person of the counties of Accomack and Northampton, for any reward or promise thereof, to set over the said bay of Chesapeake, to either of the said towns of York, Hampton, or Norfolk, or other place adjacent to the said towns, any person or persons, their horses or carriages; and he or she offending herein, shall forfeit and pay for every such offence, the penalty of twenty dollars, to be recovered by information or petition, in any court of record within this commonwealth, by the keeper of the said ferry: Provided nevertheless, That this act shall not be construed to prevent the inhabitants of Accomack from conveying each other across the said bay of Chesapeake.

Commencement

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXIV.

An ACT to establish a New Ferry, and increase the Rates of a former one.

[Passed, January the 20th, 1798.]

A ferry established from the land of S. Pannell, across Staunton river, and rates for passing the same.

SECTION I. BE it enacted by the General Assembly, That a ferry be constantly kept at the place hereafter mentioned, and the rates for passing the same as followeth, that is to say: From the land of Samuel Pannell in the county of Campbell, across Staunton river, to the land of the representatives of Joseph Echols, deceased, in the county of Halifax, the price for a man, four cents, and for a horse the same.

SEC. III. *AND be it further enacted,* That the keeper of the ferry from the land of Peter Light, in the county of Berkeley, across Potowmac river, shall be allowed eight cents for a man, and the same for a horse, instead of the rates heretofore allowed by law.

Rates of ferrage
from the land of
P. Light across
Potowmac river.

SEC. III. THE transportation of the following things shall be at the rates hereafter mentioned, that is to say: For every coach, chariot, or waggon, and the driver thereof, the same as for six horses; for every four wheeled chaise, phæton and driver, the same as for four horses; for every two wheeled riding carriage or cart, the same as for two horses; for every hogshead of tobacco, the same as for one horse: for every head of neat cattle, the same as for one Horse; for every sheep, hog, goat or lamb, one fifth part of the ferrage for one horse, and no more.

Rates of ferrage
for carriages &c.

SEC. IV. IF the ferry-keeper at either of the said places shall demand and take from any person, greater rates for the ferrage of any thing, than is hereby allowed, such offender shall forfeit and pay to the party grieved, the ferrage demanded and received, and two dollars for every such offence, recoverable before any justice of the peace of the county.

Penalty for re-
ceiving greater
rates than allow-
ed hereby, and
how recoverable.

SEC. V. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER LXV.

An ACT vacating the Office of a Trustee in certain Cases, and prescribing the Manner of Supplying such Vacancy.

[Passed, January the 5th, 1798.]

SECTION I. BE it enacted by the General Assembly, That if any trustee or director of a town not incorporated, hath removed or shall remove his residence to a greater distance than that of five miles from the said town, such removal and residence shall be considered as a vacation of the office and appointment of such trustee or director; and the vacancy thereby occasioned, shall be supplied in the same manner as is provided in the case of other vacancies, in the said trustees or directors.

Office of a trust-
ee of a town
how vacated
—and such vac-
ancy, how sup-
plied.

SEC. II. AND where by death, resignation, or other cause, there are no trustees remaining of any town not incorporated, it shall be lawful for the sheriff of the county in which such town is, and he is hereby directed, on application of any five freeholders of the said town, for that purpose, to cause an election of trustees or directors, to be made in the manner prescribed by law for supplying vacancies in the said trustees or directors.

Mode of appoint-
ing trustees of
towns where by
death, resigna-
tion, &c there
are none remain-
ing.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER LXVI.

An ACT authorising David Scott to complete the Collection of the Taxes due in the County of Monongalia, for the Year One Thousand Seven Hundred and Eighty Three.

[Passed, January the 1st, 1798.]

WHEREAS, in consequence of an act of Assembly, passed in the year one thousand seven hundred and eighty-six, a doubt exists whether David Scott, who was sheriff of Monongalia county, in the year one thousand seven hundred and eighty-three, is authorised to collect the taxes of that year:

Preamble.

SECTION I BE it therefore enacted, That the said David Scott, upon giving bond with security in the court of the said county, in the penalty of fifteen thousand dollars, shall be, and he, or such deputy or deputies as he shall appoint, is hereby authorised and empowered, until the first day of October, one thousand seven hundred and ninety-nine, to distrain for, collect, and pay into the treasury, the taxes due in the said county, for the year one thousand seven hundred and eighty-three, which have remained uncollected by the said David Scott, or the sheriff who was in office in the year one thousand seven hundred and eighty-six; and the auditor of public accounts is hereby directed to furnish to the said David Scott, copies of the returns of tithables and taxable property in the said county, made to his office, for the said year one thousand seven hundred and eighty-three.

D. Scott auth-
orised, on enter-
ing into bond &
security, to col-
lect certain tax-
es herein men-
tioned, and to be
furnished by the
auditor with re-
turns, &c.

SEC. II. THE said David Scott, in the collection of the said taxes, shall be entitled to the same emoluments, and subject to the like penalties, as were provided in the case of sheriffs and collectors of the public revenue, in the year one thousand seven hundred and eighty-three.

Allowed like
commissions and
subj^t to like
penalties as sh-
eriffs were in the
year 1783.
Commencement

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXVII.

An ACT to authorise Ferdinando Fairfax to build a Toll Bridge over Shenandoah River in the County of Berkeley.

[Passed, December the 25th, 1797.]

SECTION I. BE it enacted by the General Assembly, That it shall be lawful for Ferdinando Fairfax, his heirs and assigns, to erect a bridge from his land in the county of Berkeley, over Shenandoah river, to his land on the opposite side, where the public road leads to the same.

Toll bridge au-
thorised to be e-
rected over She-
nandoah river.

SEC. II. SO soon as the said bridge shall be completed, it shall be lawful for the said Ferdinando Fairfax, his heirs and assigns, to demand and receive the following tolls and rates for the passage of any person or thing, that is to say: For a man five cents, and for a horse the same; and for the passage of wheel carriages, tobacco, cattle, and other beasts over the

Rates for passing
the same and
when demanda-
ble.

said bridge, the said Ferdinando Fairfax, his heirs and assigns, may demand and take the following tolls, that is to say: For every coach, chariot, four wheel chaise, or waggon, and the driver thereof, the same as for six horses; for every cart, two wheel chaise, or chair, the same as for two horses; for every hogshead of tobacco as for one horse; for every head of neat cattle as for one horse; for every sheep, goat, or lamb one fifth part of the ferrage for one horse; and for every hog one fourth part of the ferrage for one horse, and no more.

Penalty for receiving greater rates than allowed hereby and how recoverable.

Commencement

SEC. III. IF the collector of tolls at the said place, shall demand and receive from any person, greater rates than are hereby allowed for the passage of any thing, he shall, for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and ten shillings, to be recovered with costs, before a justice of the peace of the said county.

SEC. IV. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXVIII.

An ACT to establish an Inspection of Tobacco on the Lands of Judith Randolph, in the County of Prince Edward.

[Passed, January the 8th, 1798.]

An inspection of tobacco established on the lands of Judith Randolph.

SECTION I. BE it enacted by the General Assembly, That an inspection of tobacco shall be, and

the same is hereby established on the lands of Judith Randolph, near Rutledge's bridge, in the county of Prince Edward, who shall build the same at her own expense, to be called and known by the name of Randolph Warehouse.

Salary of the inspectors thereto.

Duties to be performed by the said inspectors in the transportation of tobacco from the said warehouse.

SEC. II. THERE shall be allowed and paid annually to each of the inspectors at the said warehouse, the sum of one hundred dollars, for their salary:

SEC. III. THE inspectors at the said warehouse upon the delivery of their notes; or an order where they have not issued notes, shall deliver the tobacco for transportation, with a manifest of the same, expressing the owner's name, the name of the skipper of the batteau or canoe, or owner or driver of a waggon; when delivered to the latter, with the marks, number and weight of the tobacco, and stamped with the warehouse name; which tobacco, when delivered to a waggon, shall be by the driver thereof delivered with the manifest to the inspectors at any of the warehouses which now are, or shall hereafter be established, in the towns of Petersburg and Manchester, who are hereby required to receive the same; and enter the said tobacco agreeable to the said manifest, in books to be by them provided and kept for that purpose, and grant their receipts for the same to the owners thereof, and be delivered for exportation when required.

Concerning tobacco received from the aforesaid inspection by the inspectors at Petersburg or Manchester—the warehouse rent thereon—and how appropriated.

SEC. IV. THE inspectors at the last mentioned warehouses, are hereby empowered to examine and weigh any tobacco to them delivered, when required by the owner thereof, and if found to be damaged or embezzled, the same shall not be entered in the books, but remain in the warehouse, subject to the direction of the owner, in like manner as other damaged tobacco: And the inspectors at each of the said warehouses in Petersburg and Manchester, shall demand and receive for all tobacco brought to the said warehouses by virtue of this act, the same warehouse rent as is allowed for tobacco re-landed from on board any vessel, and be appropriated in like manner as the tax or rent of such re-landed tobacco is by law directed.

Duty on tobacco inspected at this warehouse, and how collected &c.

SEC. V. THE impost and duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for and paid in like manner, as is directed and prescribed by law for other tobacco inspections, except where it shall be otherwise particularly directed by this act.

Inspectors at this warehouse when & how appointed

SEC. VI. SO soon as convenient houses for the reception of tobacco shall be built by the said Judith Randolph; the court of the said county of Prince Edward shall recommend fit persons to be commissioned inspectors thereof.

Notes of this inspection not receivable in contracts prior to its establishment. Proviso.

SEC. VII. NO person shall be obliged to receive any notes for tobacco passed at the said warehouse, in discharge of any tobacco contract heretofore entered into.

SEC. VIII. PROVIDED always, That if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges and the inspectors salaries, the deficiency shall not be paid by the public.

Commencement

SEC. IX. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXIX.

An ACT directing the Register of the Land-Office to issue a Land Warrant to Layton Yancey.

[Passed, January the 12th, 1798.]

Preamble.

WHEREAS it is represented, that during the late war, Layton Yancey served as a lieutenant in the first regiment of light dragoons, commanded by Colonel Theodorick Bland, and that he afterwards became entitled to the rank of a captain, but that before he obtained a commission as such, the treaty of peace was concluded, in consequence of which, he has only received the bounty of land allowed to a lieutenant, and it is reasonable that he should be allowed a bounty proportionate to his services:

Register authorized to issue L. Yancey a land warrant for non-military services.

Commencement

SECTION I. BE it therefore enacted by the General Assembly, That the register of the land office be, and he is hereby directed, to issue to the said Layton Yancey, a warrant for one thousand three hundred and thirty four acres and one-third of an acre of land, it being the difference between the bounty allowed a lieutenant and that of a captain.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXX.

An ACT concerning the Heirs of Nicholas Currell, deceased.

[Passed, December the 26th, 1797.]

S E C T I O N I. **B**E it enacted by the General Assembly, That the Executive be, and they are hereby authorised, to grant to the heir or heirs of Nicholas Currell, deceased, a duplicate certificate of the right which the said Nicholas had to a land warrant, for two thousand six hundred and sixty six acres and two-thirds of an acre of land, to which he became entitled in consequence of his services as a lieutenant in the late war; and the register of the land-office shall, and he is hereby authorised and required, on receipt of such duplicate certificate, and upon application to him made for that purpose to issue a land warrant accordingly. *Provided however,* That the right, title, or interest which any person or persons, body politic or corporate, other than the commonwealth, might or would have had in or to the original certificate, if this act had never been made, shall be and is hereby saved to him, her or them.

S E C T I O N I I. THIS act shall commence and be in force from and after the passing thereof.

Executive authorised to grant a duplicate of a certain land warrant to the heirs of N. Currell, dec'd.

Proviso

Commencement

CHAPTER LXXI.

An ACT for issuing a Land Warrant to William Carter.

[Passed, January the 17th, 1798.]

S E C T I O N I. **B**AND he is hereby required to issue to William Carter, of the county of Patrick, a warrant for one thousand and eighty-five acres of waste and unappropriated lands, being the quantity unlocated of a warrant for one thousand seven hundred and eighty acres, dated the twenty-fourth day of December, one thousand seven hundred and eighty-two, and numbered fifteen thousand and forty-three, which the said William Carter hath lost.

Register of the land-office to issue a land warrant to W. Carter.

S E C T I O N I I. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER LXXII.

An ACT authorising Andrew Wodrow, Administrator of Alexander Wodrow, deceased, to convey certain Lands therein mentioned.

[Passed, December the 30th, 1797.]

WHEREAS by an act of Assembly, passed in the year one thousand seven hundred and eighty-two, intituled, *An act to confirm the sale of certain lots and land made by Andrew Wodrow, administrator of Alexander Wodrow, deceased, and for other purposes*, it is directed that certain lands whereof the said Alexander Wodrow died seized, and which at the time of the passage of the said act, remained unsold by the said Andrew Wodrow, administrator, with the will annexed of the said Alexander Wodrow, deceased, should be vested in the said Andrew Wodrow, subject nevertheless to the future direction of the General Assembly: And whereas the said Andrew Wodrow, hath deemed it proper and expedient to dispose of, and hath accordingly sold unto William Heth, the right which became vested in him under the act aforesaid, to the moieties of two tracts of land lying in the county of Pendleton, one of which tracts contains one thousand three hundred and twenty acres, and the other two hundred acres; and application hath been made by the said Andrew Wodrow to this assembly, to pass a law authorising him to convey the lands sold as aforesaid, to the said William Heth:

Preamble.

S E C T I O N I. **B**E it therefore enacted, That the said Andrew Wodrow, be, and he is hereby authorised and empowered, to make and execute one or more deed or deeds, for conveying to the said William Heth, a good and sufficient title to the lands so as aforesaid sold to him. Saving to all persons, bodies politic and corporate, other than those claiming under the will of the said Alexander Wodrow, deceased, any right, title, or interest, which he or they might or would have had, in, or to the said lands, or any part thereof, if this act had never been made.

A. Wodrow authorised to convey certain lands herein described to W. Heth.

S E C T I O N I I. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER LXXIII.

An ACT to amend the Act, intituled, An Act for establishing a Town in the Land of Samuel Hyde Saunders, in the County of Powhatan.

[Passed, December the 25th, 1797.]

S E C T I O N I. **B**E it enacted by the General Assembly, That so much of the act, passed in the year one thousand seven hundred and ninety four, for establishing the town of Jefferson, in the county of Powhatan, as compels the purchasers of lots in the said town to build on each a dwelling house sixteen feet square at least, with a brick or stone chimney, shall be, and the same is hereby repealed.

Part of act here recited repealed.

S E C T I O N I I. **A**ND be it enacted, That the purchasers of lots in the said town, shall respectively hold the same, subject only to the condition of building on each a house of any dimensions equal to twelve feet square: *Provided always, and be it further enacted,* That the purchasers of lots in the said town, which are subject to be overflowed with water by freshes in the river, shall respectively hold the same freed from the condition of building a house thereon.

Conditions on which purchasers of lots shall hold the same.

S E C T I O N I I I. **A**ND be it further enacted, That the further time of five years from the passing of this act, shall be allowed the purchasers of lots in the said town to build upon and save the same.

Further time allowed for building on lots.

~~Repealing clause~~

SEC. IV. SO much of the act, intituled, *An act for establishing a town on the land of Samuel Hyde Saunders, in the county of Powhatan*, as comes within the meaning of this act, is hereby repealed.

~~Commencement~~

SEC. V. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXXIV.
An ACT allowing the Heirs of Alexander Smith, deceased, a further Time to return to the Register of the Land-Office, the Plat and Certificate of a certain Survey.

[Passed, January the 1st, 1798.]

~~Further time allowed the heirs of A. Smith dec. to return to the land-office the plat & certificate of a certain survey.~~

SECTION I. BE it enacted by the General Assembly, That the heirs and representatives of Alexander Smith, deceased, be, and they are hereby allowed until the thirty-first day of December, one thousand seven hundred and ninety-eight, to return to the register of the land-office, the plat and certificate of survey of a certain tract or parcel of land, containing four hundred and eighty-seven acres, taken up and surveyed by the said Alexander Smith, in his lifetime, in the county of Buckingham, and the said land shall not be considered as forfeited or liable to forfeiture; any law to the contrary notwithstanding. Saving however to all and every person or persons, bodies politic or corporate, other than the commonwealth, any right, title, or interest, which he or they might or would have had in, or to the said land, or any part thereof, if this act had never been made.

~~Commencement~~

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXXV.*An ACT giving further Time to the Purchasers of Lots in Certain Towns to build thereon.*

[Passed, December the 28th, 1797.]

~~Further time allowed to build on lots situated in towns herein mentioned.~~

SECTION I. BE it enacted by the General Assembly, That the further time of three years, from and after the passing of this act, shall be, and is hereby allowed the purchasers of lots in the town of Dunkirk and county of King and Queen, and the further time of five years is hereby allowed the purchasers of lots in the town of Martinsburg and county of Berkeley, to build upon and save their lots; any law to the contrary thereof notwithstanding.

~~Commencement~~

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXXVI.*An ACT for adding certain Lots to the Town of Washington, in the County of Culpeper.*

[Passed, December the 25th, 1797.]

~~Certain land added to and made part of the town of Washington.~~

SECTION I. BE it enacted by the General Assembly, That the lots and streets, as the same are already laid off on the lands of William Porter, contiguous to the town of Washington, in the county of Culpeper, shall be, and they are hereby added to and made a part of the said town, to all intents and purposes as if the same had been included in the lands originally laid off for the said town.

~~Commencement~~

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXXVII.*An ACT giving further Time to the Purchasers of Lots in several Towns to build thereon.*

[Passed, January the 5th, 1798.]

~~Further time allowed for building on lots in towns herein mentioned.~~

BE it enacted by the General Assembly, That the proprietors of lots in the town of Clarksburg, and county of Harrison; and also of the town of Martinsville, and county of Henry, shall be, and they are hereby respectively allowed the further time of five years from and after the passing of this act, to build upon and save their said lots; any law to the contrary thereof, notwithstanding.

~~Commencement~~

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXXIII.*An ACT giving further Time to the Purchasers of Lots in the Town of Abingdon to build thereon.*

[Passed, January the 5th, 1798.]

~~Further time allowed for building on lots.~~

SECTION I. BE it enacted by the General Assembly, That the further time of five years, from and after the passing of this act, shall be allowed the purchasers of lots in the town of Abingdon and county of Washington, to build upon and save the same; any law to the contrary thereof, notwithstanding.

~~Commencement~~

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXXIX.*An ACT giving further Time to the Purchasers of Lots in the Towns of Lynchburg and Watson, to build thereon.*

[Passed, January the 5th, 1798.]

~~Further time allowed to build on and save lots in the towns herein mentioned.~~

SECTION I. BE it enacted by the General Assembly, That the further time of five years, from and after the passing of this act, shall be allowed the purchasers of lots in the town of Lynchburg, and county of Campbell, and town of Watson, in the county of Hampshire, to build upon and save the same; any law to the contrary thereof, notwithstanding.

~~Commencement~~

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXXX.

An ACT concerning the Town of Harrisonburg, in the county of Rockingham.

[Passed, December the 29th, 1797.]

SECTION I. BE it enacted by the General Assembly, That twenty-three and a half acres of land, as the same are already laid off into lots and streets, adjoining the town of Harrisonburg, in the county of Rockingham, by Robert and Reuben Harrison, the proprietors thereof, shall be, and they are hereby added to and made a part of the said town, to all intents and purposes.

Certain land ad-
ded to and made
part of the town
of Harrisonburg.

SEC. II. AND be it further enacted, That Thomas Scott, John Koontz, Asher Waterman, Frederick Spangler, and Samuel McWilliams, gentlemen, shall be, and they are hereby constituted trustees of the said town; and that they, or a majority of them, shall have power to remove nuisances out of the streets, alleys, and public grounds of the said town, at the expense of those who occasion them, where they shall refuse to remove them; to open the streets and alleys and keep the same in repair; and to determine all disputes concerning the bounds of the lots, which determination shall be final unless controverted at law within two years; they shall also have power to levy a tax, not exceeding one hundred dollars on the tithables and property within the said town, annually, for the purposes of this act, and the surplus in such manner, as the said trustees, or a majority of them, shall judge most beneficial for the inhabitants of the said town; to appoint a collector from time to time, who shall be subject to the same rules and regulations, and accountable for the said taxes in like manner as the collectors of the county levies are by law.

Persons appoint-
ed trustees there-
of—their power
&c.

SEC. III. IN case of the death, removal, or other legal disability, of any one or more of the said trustees, such vacancy from time to time shall be supplied in manner prescribed by the act passed the eleventh day of December, one thousand seven hundred and seventy-eight, intituled, *An act to empower the freeholders of the several towns not incorporated, to supply the vacancies of the trustees and directors thereof.*

Vacancies in the
office of a trustee,
how supplied.**SEC. IV.** THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER LXXXI.

An ACT to establish a Town on the Lands of William Black, in the County of Montgomery.

[Passed, January the 13th, 1798.]

SECTION I. BE it enacted by the General Assembly, That thirty-eight acres and three quarters of an acre of land, the property of William Black, in the county of Montgomery, as the same are already laid off into lots and streets, shall be, and the same are hereby established a town, by the name of Blacksburg; and George Rutledge, John Black, James P. Preston, John Henderson, Edward Rutledge, William Black, and John Preston, gentlemen, constituted and appointed trustees thereof.

Town of Black-
burg established
and names of the
trustees thereof.

SEC. II. THE trustees of the said town, or a majority of them, are hereby empowered to establish such rules and orders for the regular building of houses therein, as to them shall seem proper; and to settle and determine all disputes concerning the bounds of the said lots.

Powers of the
trustees of said
town.

SEC. III. SO soon as the purchasers of lots in the said town, shall have built thereon, according to the conditions of their respective deeds of conveyance, such purchasers shall then be entitled to, and have and enjoy all the rights, privileges, and immunities, which the freeholders and inhabitants of other towns in this state, not incorporated, hold and enjoy.

Privileges of pro-
prietors of lots
in the said town

SEC. IV. VACANCIES, by death, resignation, or removal out of the county, of any one or more of the said trustees, the same shall be supplied in manner prescribed by the act of Assembly, passed in the year one thousand seven hundred and seventy-eight, intituled, *An act to empower the freeholders of the several towns, not incorporated, to supply the vacancies of the trustees and directors thereof.*

Vacancy in the
office of a trustee,
how supplied.**SEC. V.** THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER LXXXII.

An ACT to incorporate a Library Company in the Town of Alexandria.

[Passed, January the 11th, 1798.]

WHEREAS it is represented to the present General Assembly, that sundry inhabitants of the town of Alexandria and its vicinity, have associated together, and procured a considerable library for their benefit and improvement; and that it would tend greatly to promote the good purposes of the institution, in case they were made a body corporate:

Preamble.

SECTION I. BE it therefore enacted, That the said library society, are hereby incorporated, and made a body politic, by the name of "the Library Company in the town of Alexandria," and by that name shall have power to make such bye-laws, rules, and regulations, for their conduct and government, as to them shall seem best.

Society incorpo-
rated—file of
incorporation—
their powers—

SEC. II. THE officers of the said Library Company, shall consist of a president, treasurer, twelve directors, and librarian.

Officers of the
society.

SEC. III. THE president and directors shall be chosen by the said company, on the third Monday in February, annually, who, or a majority of them, shall have power to appoint a treasurer and librarian, and ascertain their salaries.

President, &c.
how chosen, &
their services
how compensa-
ted.

Preamble. SEC. IV. ALL penalties imposed on the members of the said company and librarian, shall be recoverable by motion in the hustings court of the town of Alexandria, where the sum amounts to five dollars or upwards, and if under that sum, by warrant before a magistrate.

Commencement

SEC. V. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXXXIII.

An ACT to increase the Pension of John Consolver, and for other Purposes.

[Passed, January the 17th, 1798.]

Preamble.

WHEREAS it appears to the present General Assembly, that the pension allowed to John Consolver, a soldier who lost both his arms, and was otherwise severely wounded at Buford's defeat during the late war, is inadequate to his support :

J. Consolver's pension increased.

W. T. Goulding placed on the list of pensioners

SECTION I. *BE it enacted,* That in lieu of the pension now allowed to him, he shall be entitled to have and receive eighty dollars yearly, during his life, payable in the like manner and proportion, and at the same periods with other pensions.

SEC. II. *AND be it further enacted,* That William T. Goulding, who also was a soldier in the late war, and so wounded at the battle of Guilford, as now to be incapable of supporting himself by labour, shall be, and he is hereby placed upon the list of pensioners, and allowed during his life, at and after the rate of forty dollars per annum, payable in like manner as other pensions.

Commencement

SEC. III. THIS act shall commence and be in force from the passing thereof.

CHAPTER LXXXIV.

An ACT for paying a Sum of Money to Robert Smith, Administrator of Lawrence Smith, deceased.

[Passed, January the 6th, 1798.]

A sum of money to be re-paid to Robert Smith, on account of insolvencies in the county of Sussex, for the years herein mentioned.

SECTION I. *BE it enacted by the General Assembly,* That the Treasurer shall, upon warrant from the Auditor of public accounts, pay to Robert Smith, administrator of the estate of Lawrence Smith, deceased, who was sheriff of the county of Sussex, and collector of the taxes for the years one thousand seven hundred and ninety, and one thousand seven hundred and ninety one, the sum of sixty-five dollars and forty cents, it being so much paid by the said administrator into the treasury, on account of insolvents for those years, (a list whereof had not been returned according to law by the intestate) together with so much interest thereupon, if any, as was actually paid into the treasury.

Commencement

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXXXV.

An ACT concerning William Edwards.

[Passed, January the 6th, 1798.]

Preamble.

WHEREAS it is represented, that Joseph Lane, who was sheriff of the county of Westmoreland, for the year one thousand seven hundred and eighty-two, failed to pay the taxes due in the said county for the year aforesaid, whereby he incurred certain damages, for which and a part of the said taxes, a judgment has since been obtained on behalf of the commonwealth against William Edwards, security for the said Joseph Lane, and the balance of the said taxes with the interest thereon and costs of the judgment, paid into the treasury :

Damages on a judgment against W. Edwards by the commonwealth remitted.

Commencement

SECTION I. *BE it therefore enacted,* That the damages aforesaid, amounting to one hundred and eighty-seven pounds, nine shillings and three pence, shall be, and are hereby remitted.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXXXVI.

An ACT for issuing Duplicates of certain Warrants to Charles Vivion.

[Passed, January the 1st, 1798.]

Auditor of public accounts to issue duplicates of certain certificates herein mentioned. Proviso.

SECTION I. *BE it enacted by the General Assembly,* That the Auditor of public accounts, shall, and he is hereby required, to issue to Charles Vivion, duplicates of eight warrants, amounting to the sum of one hundred and forty pounds, for a waggon and team, furnished the public in the year one thousand seven hundred and eighty one, in lieu of the original warrants, which were destroyed by fire. *Provided always,* That the said Charles Vivion shall, previous to the issuing of the said warrants, enter into bond with security, to indemnify the commonwealth against the original warrants.

Commencement

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER LXXXVII.

An ACT concerning Thomas Vaughan, Collector of certain Taxes therein mentioned.

[Passed, January the 5th, 1798.]

Commission allowed T. Vaughan on the collection of certain taxes herein mentioned.

SECTION I. *BE it enacted by the General Assembly,* That Thomas Vaughan, collector of the taxes in the counties of Surry, Southampton, Sussex, and Isle of Wight, be allowed commissions for his said collections in the counties of Surry, Southampton and Sussex, at the rate of seven and a half per centum, and for his said collections in the county of Isle of Wight, at the rate of seven and a half per centum.

SEC. II. *AND be it further enacted,* That the said Thomas Vaughan, shall, on or before the first day of October, one thousand seven hundred and ninety-eight, pay into the treasury the amount of the said taxes.

Time allowed to
pay the said tax-
es into the trea-
sury.

SEC. III. *PROVIDED,* That the allowance made by this act to the said Thomas Vaughan, shall comprehend the whole of the compensation, which the said Thomas Vaughan shall receive for collecting the taxes aforesaid, in the said counties.

Proviso.

SEC. IV. THIS act shall commence and be in force from the passing thereof.

Commencement

CHAPTER LXXXVIII.

An ACT for re-paying to Jesse Ewell, a certain sum of Money.

[Passed, January the 16th, 1798.]

WHEREAS it is represented, that a judgment was obtained on the twenty-first day of November, one thousand seven hundred and ninety-three, in the general court, on behalf of the commonwealth against Jesse Ewell, late sheriff of the county of Prince-William, for the sum of three hundred and thirty-six dollars, for the balance of taxes alledged to be collected by the said Ewell, in the year one thousand seven hundred and eighty-two, pursuant to the act of Assembly for laying taxes on certain enumerated commodities; which judgment with the costs, amounting to the sum of one hundred and nine pounds, ten shillings and six-pence, the said Jesse Ewell hath fully paid: And whereas, it hath been made appear to this present General Assembly, that the said Jesse Ewell neither did, nor was he bound by law to collect the taxes arising under the said recited act, and hath petitioned this Assembly to be repaid the aforesaid sum of money, which it hath been judged just and right to do:

Preamble.

SECTION I. *BE it therefore enacted,* That the Treasurer of this commonwealth, shall repay to the said Jesse Ewell, upon warrant from the Auditor of public accounts, (who is hereby required to issue the same) the said sum of one hundred and nine pounds, ten shillings and six-pence.

A sum of money
directed to be
re-paid to Jesse
Ewell.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER LXXXIX.

An ACT for allowing a Sum of Money to Elizabeth Mann.

[Passed, January the 6th, 1798.]

SECTION I. *BE it enacted by the General Assembly,* That there shall be allowed and paid to Elizabeth Mann, widow of Thomas Mann, who was killed by the Indians in one thousand seven hundred and ninety four, while in the service of his country, the sum of forty-dollars annually for four years, for her relief.

Sum of money
allowed to E.
Mann annually,
for the space of
four years.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER XC.

An ACT for incorporating a Library Company in the Town of Brownsburg, in Rockbridge County.

[Passed, January the 19th, 1798.]

Preamble.

WHEREAS it is represented to the present General Assembly, that a number of persons, in and about Brownsburg, in the county of Rockbridge, have formed a Circulating Library, and they are of opinion it will promote the purposes of the society to have it incorporated:

Society incorpo-
rated, and date
of incorporation.

SECTION I. *Be it enacted,* That the same shall be, and is hereby incorporated, by the name of Brownsburg Library Company.

Officers of the so-
ciety, how cho-
sen.

SEC. II. THE officers of the said company shall be five trustees, a secretary, treasurer, and librarian; the trustees to be triennially chosen by the members.

Trustees shall
choose a presi-
dent, their pow-
ers, &c.

SEC. III. THE trustees, or any three of them shall choose their own president, secretary, and treasurer, and shall have power to assess the members in such sum or sums not exceeding four dollars each, annually, as in their judgment the institution may require; and shall have power to make such bye-laws and regulations, not contrary to the laws of this commonwealth, or of the United States, for the regulation and prosperity of the corporation, as to them shall appear necessary: *Provided however,* That no law shall be of force, if a majority of the members shall disapprove of the same.

Proviso.

SEC. IV. THE treasurer in the name of the trustees of the Brownsburg library company, may sue or be sued in any court of record in this commonwealth: *Provided however,* That all sums not exceeding five dollars, shall be recoverable before a justice of the peace.

Treasurer of the
society may sue
and be sued.

SEC. V. THE treasurer and librarian, before they enter on the execution of their office, shall give bond and security, each in the sum of one thousand dollars, for the faithful discharge of their respective duties agreeable to the rules of the society.

Treasurer & li-
brarian shall give
bond for the dis-
charge of their
duties.

SEC. VI. UPON the death, resignation, or refusal to act of the secretary, treasurer, librarian, or any of the trustees, the vacancy shall be supplied in the same manner in which they were at first chosen.

Vacancies in the
different offices
how supplied.

SEC. VII. ANY member may give, assign, sell, or devise his share in the library as he may think proper, but shall not without the consent of a majority of the trustees, take or claim any book, or books, as his peculiar property.

Shares in the li-
brary transfer-
able.

SEC. VIII. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER XCI.

An ACT to remit the Damages and Interest on a Judgment obtained by the Commonwealth against James Callaway, and others.

[Passed, January the 12th, 1798.]

Damages on a judgment obtained against J. Callaway, for the certificate tax of Bedford county herein mentioned, remitted.

Commencement SEC. I. BE it enacted by the General Assembly, That the damages and interest on a judgment obtained on behalf of the commonwealth against James Callaway, William Leftwich, and Thomas Lumpkin, securities for Obadiah H. Trent, (a deputy under William Callaway, sheriff of the county of Bedford, in the year one thousand seven hundred and eighty-five) for the certificate tax due in the year aforesaid, shall be, and the same are hereby remitted, and the said securities exonerated and discharged from the payment thereof.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XCII.

An ACT for Placing Robert Leonard on the List of Pensioners.

[Passed, January the 6th, 1798.]

Robert Leonard placed on the list of pensioners.

SECTION I. BE it enacted by the General Assembly, That Robert Leonard, who served as a soldier in the late war, and is unable to obtain a subsistence by labor, shall be placed on the list of pensioners, and be allowed the sum of forty dollars annually.

A sum of money allowed him for his immediate relief.

SEC. II. THE Auditor of public accounts on application to him, made either in person or by attorney, shall issue to the said Robert Leonard, a warrant for the sum of forty dollars for his immediate relief, to be discharged in like manner as other pension warrants.

Commencement SEC. III. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XCIII.

An ACT for placing William Brabstone on the List of Pensioners.

[Passed, January the 5th, 1798.]

W. Brabstone placed on the list of pensioners.

SECTION I. BE it enacted by the General Assembly, That William Brabstone, who entered into the late war as a soldier, in the year one thousand seven hundred and seventy-six, and continued therein until the end thereof, and from a wound received in his shoulder at the battle of Brandy-Wine, together with the fatigue and hardships which he suffered in the army, is unable to obtain a subsistence by labour, shall be placed on the list of pensioners, and be allowed the sum of forty dollars annually.

A sum of money allowed him for his immediate relief.

SEC. II. THE Auditor of public accounts, on application to him made, either in person or by attorney, shall issue to the said William Brabstone, a warrant for the sum of forty dollars for his immediate relief, to be discharged in like manner as other pension warrants.

Commencement SEC. III. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XCIV.

An ACT for placing several Persons on the Pension List, and for other Purposes.

[Passed, January the 22d, 1798.]

C. Clements placed on the pension list.

SECTION I. BE it enacted by the General Assembly, That Charles Clements, of the county of Fluvanna, who in consequence of several wounds received as a soldier in the service of his country during the late war, is rendered unable to support himself, shall be, and he is hereby placed on the list of pensioners, and shall receive an allowance of forty dollars annually.

John Shepherd placed on the pension list.

SEC. II. BE it further enacted, That John Shepherd of the county of Kanawha, who from a wound received in an expedition against the Indians in one hand and thigh, is rendered unable to support himself, shall be placed on the list of pensioners, and shall be allowed and paid the sum of forty dollars annually.

A sum of money allowed annually, to Elizabeth Jameson.

SEC. III. AND be it further enacted, That Elizabeth Jameson, widow of Alexander Jameson, late of the county of Prince George, deceased, shall be allowed and paid by the Treasurer, upon warrant from the Auditor of public accounts, annually, during her life, the sum of two hundred dollars, to be paid at the same time, and in like manner as other pensions are paid; and for the immediate relief of the said Elizabeth Jameson, the Auditor of public accounts shall be, and he is hereby authorised and required, to issue to the said Elizabeth Jameson, a warrant or warrants on the Treasurer, for two hundred dollars.

Commencement SEC. IV. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XCV.

An ACT for paying the Officers of the General Assembly for their Services during the present Session.

[Passed, January the 24th, 1798.]

Allowances to the officers of the general assembly for their services during the present session.

SECTION I. BE it enacted by the General Assembly, That the allowance to the officers for their services during the present session, shall be as followeth, that is to say: To the chaplain, twenty dollars per week; to the clerk of the House of Delegates, one hundred and forty-five dollars per week; to the clerk of the Senate, seventy-two dollars; and fifty cents per week; to the clerk of the Committee of Propositions and Grievances, and of the Committee of Privileges and Elections, forty dollars per week; to the clerk of the Committee of Claims, and of the Committee of Religion, forty dollars per week; to the clerk of

the Committee for Courts of Justice, forty dollars per week; to the serjeant at arms to the Senate, and House of Delegates, each thirty-seven dollars per week; to each of the door-keepers to the Senate and House of Delegates, twenty-one dollars per week; to Thomas Nicholson, for printing the journals of the Senate, one hundred and fifty dollars; and to the person who cleans the capitol, thirty-four dollars.

SEC. II. THE keeper of the rolls, shall be entitled to receive his salary in the same manner as other officers of the government receive theirs.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

Salary of the keeper of the rolls, how payable.
Commencement

CHAPTER XCVI.

An ACT concerning the Town of Romney, in the County of Hampshire.

[Passed, January the 5th, 1798.]

SECTION I. BE it enacted by the General Assembly, That the further time of seven years, from and after the passing of this act, shall be, and it is hereby allowed to the purchasers of lots in the town of Romney, to build upon and save the same; any law to the contrary thereof, notwithstanding.

Further time allowed for building on lots.

SEC. II. IT shall not be lawful for the owner of any lot or house within the said town, or any other person, to keep any hogs or geese running at large within the same; and if he shall offend herein, every such owner of a house or lot shall forfeit and pay one dollar for every hog or goose, so found running at large, to be recovered in like manner as other sums under five dollars, by any of the trustees of the said town, and applied towards the benefit of the inhabitants thereof.

Penalty on owners of lots permitting hogs or geese to run at large within the town, and how recoverable.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

Commencement

CHAPTER XCVII.

An ACT to amend the Act, concerning the Town of Mecklenburg, in the County of Berkeley.

[Passed, January the 11th, 1798.]

SECTION I. BE it enacted by the General Assembly, That the several lots adjoining the town of Mecklenburg, in the county of Berkeley, as they have been respectively laid off on the lands of Henry Cookcas, William Brown, John Morrow, and Richard Henderson, and Company, also the grounds lying immediately between the said town and the water's edge of the Potowmac river, shall be, and they are hereby added to and made a part of the said town to all intents and purposes.

Certain lands added to and made part of the town of Mecklenburg.

SEC. II. IT shall and may be lawful for the trustees of the said town, to impose a tax annually, on every titheable person within the limits thereof, not exceeding one dollar, instead of the tax authorised by the act, passed on the second day of December, one thousand seven hundred and ninety three, concerning the town of Mecklenburg, and applied to the purposes therein mentioned.

Trustees empowered to lay an annual tax on the titheables of said town.

SEC. III. THE said town of Mecklenburg, shall hereafter be called and known by the name of Shepherds Town.

Name of town changed to Shepherds-Town.

SEC. IV. SO much of any act as comes within the meaning of this act, is hereby repealed.

Repealing clause

SEC. V. THIS act shall commence and be in force from and after the passing thereof.

Commencement

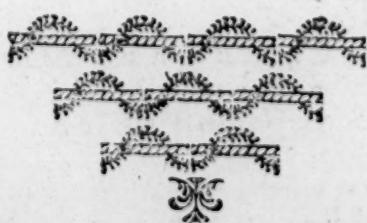
CHAPTER XCVIII.

An ACT, to amend the Act, for Limitation of Actions, for preventing frivolous and vexatious Suits, concerning Jeoffails and certain proceedings in Civil cases.

[Passed, January the 25th, 1798.]

BE it enacted by the General Assembly, That the parol shall not demur in any suit now pending, or hereafter to be brought in any court of common law or equity, by reason of the infancy of the plaintiffs or defendants, or of any, or of either of them, but such court may nevertheless proceed to judgment or a final decree in the cause.

Parol shall not demur by nonage.



IN THE HOUSE OF DELEGATES,

MONDAY, December the 11th, 1797.

RESOLVED, That a resolution of the General Assembly, passed in December 1795, "Authorising and directing the Treasurer to transfer two shares belonging to the state of Virginia, in the James River Company, to the Governor of the commonwealth, for the time being, for the use of the commonwealth; and that it be an instruction to the Treasurer to vote, at elections of officers of the said company, for the Governor, for the time being, to be president of the said company," be repealed.

December the 12th, 1797—Agreed to by the Senate.

—♦♦♦♦♦♦♦♦♦—
DECEMBER the 13th, 1797.

RESOLVED, That the Executive be requested to transmit to the President of the United States, and to both Houses of Congress, authentic copies of the resolution of the General Assembly of this state, passed at their session of November, one thousand seven hundred and ninety-four, respecting the amendment proposed by Congress to the Federal Constitution, on the second day of December, one thousand seven hundred and ninety-three, respecting the suability of states.

December the 14th, 1797—Agreed to by the Senate. 2 AP60

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FRIDAY, December the 22d, 1797.

RESOLVED, That the Executive be requested, and they are hereby authorised to take such measures as they may deem right, for carrying into complete effect, the act of the last session of the General Assembly, intituled, *An act concerning certain lands lying in the Northern Neck.*

December the 23d, 1797—Agreed to by the Senate.

—♦♦♦♦♦♦♦♦♦—
SATURDAY, December the 23d, 1797.

RESOLVED, That the petition of John Gooch and Joshua Chaffin, securities of Christopher Ford, deceased, collector of the taxes in the county of Amelia, for the year one thousand seven hundred and eighty-six, praying that they may be exonerated from paying the interest arising on the balance of the taxes due from the said Christopher Ford, at the time of his death, is reasonable.

December the 29th, 1797—Agreed to by the Senate.

—♦♦♦♦♦♦♦♦♦—
THURSDAY, January the 11th, 1798.

RESOLVED, That the Executive be requested to examine into the present the state of the treasury, pursuant to the request of the Executors of the late Treasurer, for that purpose.

January the 12th, 1798—Agreed to by the Senate.

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AMAZON

